Ombudsman Manitoba

Nineteenth Annual Report of the OMBUDSMAN

For the period
January 1st, 1988 -
December 31st, 1988

Presented to the Legislature pursuant to Section 42 of The Ombudsman Act

90-00808/

Ombudsman Manitoba

750 — 500 Portage Avenue
Winnipeg, Manitoba R3C 3X1
Telephone: (204) 786-6483

The Honourable Denis Rocan
Speaker of the Legislative Assembly
Province of Manitoba

Dear Mr. Speaker:

In accordance with Section 42 of The Ombudsman Act, I am pleased to submit the nineteenth Annual Report of the Ombudsman for the calendar year January 1, 1988 to December 31, 1988.

Yours very truly,

Gordon S. Earle

GORDON S. EARLE
OMBUDSMAN

Table of Contents

TITLE	PAGE
Introduction	7
Highlights of the Past Six Years	8
Comment on Workload and Staff	9
Investigator (Children's Concerns)	10
The Manitoba Developmental Centre	11
The Manitoba Public Insurance Corporation	13
Public Relations	19
Ombudsman Staff Workshop	22
Freedom of Information	23
Complaint Statistics	24
Cases Brought Forward from Previous Year	24
Disposition of 1988 Complaints	30
Complaints Attributed to each Department or Agency	31
Complaints by the Year	32
Sources of Complaints	33
Selected Case Summaries	35
Cases Involving Children	35
Other Cases	44
Complete List of Complaints	67
The Ombudsman Act	101

Introduction

The comment has often been made that time passes quickly when one is having fun. This certainly has been true for me and my family during our first six years in Manitoba. Back in 1982 when looking forward, from the shores of Nova Scotia, to my appointment as Manitoba's second Ombudsman, six years seemed to be a very long time. However, looking back now it seems that that time has literally flown by instantly catapulting my young children into the teenage and young adult stage, while leaving my wife and me virtually unscathed, except perhaps for a few grey hairs.

Under The Ombudsman Act of Manitoba, the Lieutenant Governor in Council, on the recommendation of the Standing Committee of the Assembly on Privileges and Elections, appoints an Ombudsman who shall hold office for six years from the date of appointment and who may be re-appointed for a second term of six years but not for more than two terms of six years. Having been appointed in September 1982 my term came to an end in September 1988. I am pleased to report, however, that upon the unanimous recommendation of the three party Legislative Committee on Privileges and Elections I was re-appointed for a second term of six years. History seems to be repeating itself in that once again time is flying by rapidly. At the time of writing this report I am almost three-quarters of a year into my second term. This is perhaps a good time to reflect upon the past and cast an eye toward the future.

My legacy from Manitoba's first Ombudsman, Mr. George W. Maltby, was an efficient and well run office which had faithfully and effectively served the public for twelve years winning the respect of many Manitobans. The office at that time consisted of six positions: the Ombudsman, an Assistant Ombudsman, two Investigators, and two Administrative Support Staff. During my first six years as Ombudsman the office experienced a tremendous increase in demand for service and we underwent a period of growth and expansion in order to enable us to continue to provide the high level of service which the public had come to know and expect. Currently the office is comprised of twelve positions: the Ombudsman, an Assistant Ombudsman, six Investigators, an Office Manager/Intake Officer, a Word Processing Supervisor, and two Administrative Secretaries.

Highlights of the Past Six Years

In reflecting upon the past six years work, I will first of all express my appreciation and gratitude to my staff for their service, dedication and hard work. Without them and the positive attitude they displayed, our accomplishments in serving the public would have been impossible. While there have been many achievements over the past six years, and while I could perhaps write a book about each one of them, I will simply present here a list of some of the highlights of my first term in office.

- The handling of 16,716 concerns (5,218 written complaints and 11,498 oral inquiries).
- The doubling of the size of the office in order to meet the increased workload.
- A complete reorganization of the office including:
  - Improved method of recording work received and processed.
  - Creation of a system for regular staff meetings and special investigators meetings.
  - Increased emphasis on formal staff training and development through seminars, conferences, workshops etc.
  - Reorganization of office library.
  - Creation of a reference manual for staff.
  - Codification, for computer, of a reference list of legal opinions obtained and formal recommendations made over the years.
  - Creation of an office manager position and the restructuring of responsibilities to enable our office to perform internally certain administrative personnel functions with which we had previously been assisted by personnel external to our office.
  - Establishment of a toll free telephone line so that our office would be more accessible on a province-wide basis.
- In 1983 a special report, to the Minister of Community Services and to the public, on Child Abuse.
- In 1985 the appointment of a special investigator for children's concerns.
- Reports to Cabinet concerning cases involving:
  - the Department of Highways and Transportation.
  - the Department of Agriculture.
  - the Workers Compensation Board.
  - the Civil Service Superannuation Board.
- The establishing of a system for monitoring inquests, held by Provincial Judges under the Fatality Inquiries Act, concerning matters involving provincial government departments or agencies.
- An increase in the number of cases investigated by the Ombudsman on his own initiative.
- Inspections and visitations to correctional, mental health, and youth facilities.
- An emphasis on the building of appropriate rapport with government agencies and departments, to enable mutual respect and understanding of functions, which greatly facilitates a thorough and proper investigation of complaints.
- Increased emphasis on the consultative function of the Ombudsman whereby the Ombudsman is consulted for advice, comment, opinion or assistance concerning legislation, standards, policies, procedures, guidelines and practices of departments or agencies. This has involved: the Review Committee on Indian and Metis Adoption and Placements, the Red River Community College, the Workers Compensation Board, the Mental Health Review Committee, the Law Reform Commission, the Manitoba Adolescent Treatment Centre, the Provincial Committee on Child Abuse, the Department of Community Services (now Family Services), the Kopstein Commission, and various other departments, agencies or committees.
- A public report, with recommendations, on the Manitoba Developmental Centre, a centre for the care of the mentally retarded.
- A public report on areas of concern involving the Manitoba Public Insurance Corporation.
- In 1988 the commencement of a new function, the investigation of complaints under the Freedom of Information Act.
- A continued emphasis on public relations primarily through speaking engagements and public appearances. Over the past six years the Ombudsman has attended approximately 300 public relations functions which collectively involved over 28,000 people.

Comment on Workload and Staff

The year 1988 was a busy year for the Office of the Ombudsman. The number of formal complaints surpassed the 757 received in 1987 by 86 to give a total of 843, an increase of 11% over the previous year.

While the number of formal complaints increased slightly there was a significant drop in the number of informal concerns (telephone and drop-in inquiries). The year 1988 saw 2,262 informal concerns being brought to our attention, 999 or 31% less than the 3,261 recorded in 1987.

Combining both formal and informal concerns we note that the office dealt with 3,105 matters during 1988 as compared with 4,018 during the previous year. In other words the overall caseload was down by 913 or 23%.

While at first glance it would appear that this overall reduction of intake in 1988 should provide some breathing space, one has to keep in mind that our overall workload increased 99% during 1987 and much of that work had to be carried over and dealt with in 1988. It is worth noting that of the work carried over from 1987 and previous years (ie 312 cases) 219 or 70% were concluded in 1988 leaving only 93 or 30% to be carried over into 1989. Compared with 1987 when only 60% of the work carried over was completed, this indicates a significant dent in our backlog.

Because we are gradually and consistently clearing up our backlog of cases, I note that we are able to have a much better turn around time on new cases. I should also note that even though we still have some outstanding cases that have been carried over into 1989, our backlog does not cause a problem to the extent that people have to wait for work to commence on their complaints. Investigations are commenced the moment the complaint is brought to our attention. Some investigations, because of the nature of the complaint may take longer than others to complete but all matters are treated seriously and moved along as quickly as possible. Current turn around time, depending upon the case, could range anywhere from same day service to three months. Very complex matters may of course take much longer to conclude.

As usual the staff of my office continued to serve the public with dedication and sincerity. Their hard work produced not only, as mentioned earlier, a completion of 70% of the work carried over from previous years, but also a completion of 72% of the cases received during 1988. This high level of achievement in such a demanding area of work is to be highly commended and I thank my staff for the degree of professionalism they have shown in carrying out their duties and responsibilities.

The office staff for 1988 consisted of:

Barry E. Tuckett	Assistant Ombudsman
Donna M. Drever	Investigator (Children's Concerns)
Susan Archibald	Investigator
E. Joy Goertzen	Investigator
Gail P. Perry	Investigator
Kris Ramchandar	Investigator
Raymond J. Wahl	Investigator
Johanne B. Cayer	Office Manager/ Intake Officer
Marie E. Reidke	Word Processing Supervisor
Helen Kroeker	Secretary/Receptionist
Felicia C. Palmer	Secretary
Kiersten R. Taves	Secretary (Temporary)
Christine W. Knight	Secretary (Temporary)
Wilma Dowhan	Secretary (Temporary)

INVESTIGATOR
(Children's Concerns)

The Ombudsman recognizes that children and youth are a particularly important, yet vulnerable, segment of our society, and that they require special attention, not only from our office, but from all who care for the well-being of our young people. The Manitoba Ombudsman's office has, since its creation in 1970, taken care to deal diligently and effectively with concerns about the treatment of children in our province. One notable case in 1978 which gained public attention involved the Ombudsman taking a firm stand against the housing of juvenile offenders in the same correctional facilities as adult offenders. This case led to a realization, by the correctional system, of the necessity and responsibility of treating young offenders in a manner consistent with recognizing their rights as children.

Our interest in the rights and protection of children continued throughout the years. As society continued to become more aware of the need to provide appropriate services for children, and the need to ensure fair treatment of children, particularly those coming into contact with or under the control of government departments, agencies and institutions - the role of our office with respect to children took on an added dimension. Since my 1983 Annual Report I have been writing about the Manitoba Ombudsman's involvement with matters involving children - an involvement that led to the appointment in 1985 of a special investigator to handle children's concerns, i.e. to investigate complaints involving the well being of children; to conduct a public outreach program; and to monitor government departments, agencies and institutions that deal with children.

Manitoba Ombudsman's Investigator (Children's Concerns) has participated in presentations and seminars across the country and has provided consultation to various task forces and committees, both provincially and federally. We are pleased to note that other Ombudsman jurisdictions have followed Manitoba's lead and have placed a special priority on providing service to children and youth. In 1987 the Ombudsman of British Columbia appointed a Deputy Ombudsman for Children and Youth, who along with a team of assistants provide Ombudsman service to families and youths affected by government ministries in that province. Other Ombudsman offices, as well, are continuing to provide a serious look at the concerns of children and to take whatever action they can within the confines of their legislation and authority.

In 1988, eighty four cases were assigned to our Investigator of Children Concerns. The Investigator also deals with the majority of the phone inquiries and intakes from the public relating to children's issues. If the complaint relates to matters that do not come under our jurisdiction, or there is another avenue the person should follow prior to formally contacting our office, the caller would be so advised.

Over the past year the Investigator has toured the Seven Oaks Youth Centre; the Agassiz Youth Centre; the Manitoba Youth Centre and the Manitoba Developmental Centre. The Investigator was also pleased to have the opportunity to speak to one of the teams from the Northeast Winnipeg Family Child Extended Social Services agency, on the role and function of our office. She also made a presentation to some of the staff at Seven Oaks Youth Centre. In December, 1988 the Investigator and I made a joint presentation to the Manitoba Correctional Education Association at their 3rd annual conference. The topic was "Rights of Kids, Responsibilities of Teachers".

In addition to her investigative duties and public relation functions the Investigator attended continuing education courses and seminars to remain abreast of current developments in the child welfare field. Workshops attended included: 1) Family Violence: An Intergrated Response; 2) The Intergrated Treatment of Child Sexual Abuse - presented by Henry and Anna Giarretto and, 3) Children in the Justice System - a national conference on the use of video evidence in child sexual abuse cases.

I am pleased to report that in the course of our investigations over the past year we have received cooperation from the Child and Family Service agencies and Government Departments that deal with children.

The Manitoba Developmental Centre

In September, 1985, a resident of the Manitoba Developmental Centre, which is located in Portage la Prairie and serves mentally handicapped individuals, received serious and unexplained injuries. As a result, my office undertook an extensive review of this incident and the general conditions at the Centre.

In March, 1987, I submitted a report to the Minister of Community Services with respect to the outcome of our review. A number of recommendations were made to the Minister at the time.

On April 23, 1987, I held a news conference and made a summary of our report and recommendations public. I also made public the Department of Community Services' commentary on my report. My Annual Report of 1986, since it was not published until after April 1987, included a copy of my conclusions and recommendations as well as the Department's response to these.

In my 1987 Report, I provided an update with respect to the recommendations and reported that I was satisfied with the actions undertaken on six of the eight recommendations. The two recommendations that I felt required further monitoring were recommendation number 1 and number 4. These recommendations related to concerns identified with respect to the social, recreational, physical and other program needs of the residents and to issues related to staffing and overcrowding of some of the living areas.

Over the past year, we have continued to monitor the progress being made at the Manitoba Developmental Centre. It must be remembered that there was a provincial election in April 1988, which resulted in a change of government. While in mid 1988 I was not entirely happy with the status of changes at the Manitoba Developmental Centre, I felt that in fairness the new administration should have an opportunity to respond to the issues and what we felt were continuing areas of concern. Accordingly, I brought outstanding concerns to the attention of the new Minister of Community Services in June of 1988. In August 1988 I received a response from the Minister and was advised that some interim decisions were taken to prevent deterioration at the Centre. We were advised that the Centre would continue to be upgraded as rapidly as the necessary resources could be made available. I was also advised that the foreseeable maintenance and upgrading requirements had been identified for the entire Centre and placed in order of priority for incorporation into Government Services' capital budget over the next few years.

The Human Resource Plan which had been approved in principle by the previous administration, was being updated and it was expected that it would be completed later in the fall. As well, the Transitional Unit was being reviewed and possible alternative future directions being considered.

Nevertheless, at the time of writing this report, I am not satisfied that the programming and staffing issues which were identified in 1987, have been adequately addressed. It is with regret that I must candidly state that I have not received much new information to give me cause to believe that there have been any significant gains made in the program areas to improve the quality of life for the majority of residents at the Manitoba Developmental Centre.

Staffing patterns still do not allow for more than the basic custodial care of the residents. Staffing levels remain below the minimum level and standard considered necessary by the administration of the Centre to meet the needs of the residents. The Transitional Unit had been created to provide specific training to residents who might be moving into the community. The residents in this unit receive an enriched level of staffing. It was, and remains, my opinion that the unit would only serve a small segment of the Centre's population, namely those residents targeted to move into the community. There appears to be a disproportionate resident/staff ratio between this unit and other wards at the Centre. I must stress that I am not saying there is no merit to the Transitional Unit but I must emphasize that I still feel that benefits and improvements must be achieved for the majority of residents at the Centre.

In addition, there was an increase of incidents involving residents at the Centre, rising from a total of 701 in 1987 to 1181 in 1988. While this dramatic increase may in part be accounted for by better reporting and recording of incidents, the increase is nevertheless sufficiently high to warrant a close look at the problem. Six wards at the Centre still do not meet the requirement of nursing home standards relating to space. I have stated before and I still maintain that concerns around staffing and overcrowding must be dealt with systematically because it is my opinion that these two factors are closely linked to incidents and injury involving residents. I believe that appropriate staffing levels and programing for residents is necessary for their physical and emotional well-being, health and safety.

I do not believe that the residents at the Manitoba Developmental Centre are receiving the level of care and quality of life to which they are entitled. I feel I have been patient in attempting to recognize that

some of the improvements necessary cannot be achieved overnight. However, after two years, I do not feel it unrealistic to expect that residents should be at least receiving a basic minimum level of care to meet their needs.

There is one final comment I will make with respect to my review and monitoring of problems at the Manitoba Developmental Centre. Following my previous reports there were some members of the public, advocates of community living programs, who misinterpreted my comments about the Manitoba Developmental Centre to be a statement in favour of institutionalization for the mentally handicapped as opposed to the mentally handicapped being moved into the community. This is a completely incorrect interpretation of my review and criticism of the Manitoba Developmental Centre. The Ombudsman firmly supports the concept of programs aimed at integrating and assisting the mentally handicapped to become a meaningful part of the community. The fact that I am insisting that an institution caring for the mentally handicapped be properly run in no way contradicts nor negates my belief in other viable and necessary programs for the mentally handicapped.

It is true, however, that resources, financial and otherwise, must be shared among many programs and it is equally true that my criticisms of the operation of the Manitoba Developmental Centre will cause government to take a close look at the resources available to the Centre. Some feel that an emphasis on increased resources for the Manitoba Developmental Centre may be to the detriment of other programs. However, the responsibility for establishing priorities and allocating resources rests with the government whom we have elected to serve us. The Ombudsman does not get caught up in determining program priorities or allocation of resources. That is the job of government. However, the Ombudsman does have a responsibility, where programs are running and institutions are in place, to make sure that no one suffers a grievance due to improper administration of those programs or institutions whether that improper administration stems from lack of resources or otherwise. Therefore, as long as the Manitoba Developmental Centre exists, and as long as there is a potential for individuals to be aggrieved as a result of the administration of the institution the Ombudsman will keep vigil and report accordingly. Even at the time of writing this report my office is continuing its discussions with the Department in an effort to resolve our outstanding concerns.

The Manitoba Public Insurance Corporation

Special Report on Outstanding Issues

In my 1983 Annual Report I raised concerns over the arbitration procedures established to resolve disputes over total loss settlements. Six years have passed and I have yet to feel that the Corporation has given serious and thorough consideration to my concerns. I say this with the understanding that some of the serious problems in the process remain unresolved as evidenced by the complaints received over the years.

During this time, the issues have been raised in two Annual Reports and several meetings have been held with senior staff of the Corporation. I continue to receive defensive rhetoric from the Corporation although the investigation of complaints received by my office clearly reveals a process that is adversarial by design and leaves much to be desired in terms of ensuring fairness and equity in resolving disputes.

There have been more than enough concerns drawn to the Corporation's attention by our office, the media, and others, to warrant a serious review of the process. Only since the recent appointment of a new President and General Manager, have I seen any positive changes in the negotiation process, although the arbitration process remains virtually unchanged.

It is important to note that there are basically two steps in the process of actual cash value disputes. The first is the negotiation stage in which the Corporation determines what it considers to be a fair market value of the total loss vehicle and, with the insured, an attempt is made to arrive at a mutually agreeable settlement based on the market value.

If a mutually agreeable settlement cannot be reached, the insured can proceed to arbitration which requires the appointment of an appraiser for each side. If the Corporation's appraiser and the insured's appraiser cannot come to an agreement, an umpire can be appointed.

In my 1983 Annual Report, I reported on concerns which primarily centered around the lack of direction, guidance, or terms of reference in the arbitration process, the absence of which in my opinion encourages inconsistency and inequity. I also raised concerns with the silence in the legislation and regulations about the terms of reference, the process, the qualifications of appraisers, the fees that may be charged and the time the process may take.

The issue of providing an advance payment representing the Corporation's initial offer while the final settlement amount is in dispute was also raised. We noted that as arbitration drags on, subtle pressure is placed on the insured as often the insured is without a vehicle or funds to purchase another vehicle.

Approximately 5 years ago I was advised by the Corporation that a task force had been appointed for the specific purpose of reviewing all aspects of the Corporation's current arbitration process and recommending possible improvements. I was advised that when the task force had reported on its review, the Corporation would be pleased to arrange a meeting with my office to discuss all aspects of the arbitration process.

By 1986 we saw no improvement in the process and our office continued to receive complaints centering around the issues previously raised with the Corporation. At that point we had no indication of the results of the review by the Corporation's task force. I met with the then President and General Manager and raised four areas of concern, specifically;

1) The arbitration process.
2) The provision of legal representation in Small Claims Court.
3) 50/50 assessment of liability.
4) Monthly refund of premiums.

Following my meeting I received a copy of an internal memorandum from the President and General Manager to his Vice-President drawing attention to the outstanding matters and requesting a review and a report. The President stated in his memorandum "Intuitively I am in agreement with Mr. Earle's suggestions that we ought not to consider a surcharge where there is zero or disputed responsibility and that our refund practices are somewhat unfair."

In February 1987, I again was provided with a copy of an internal memorandum from the Vice-President to the then President and General Manager which was in answer to the concerns I had raised. The response was less than satisfactory. The report in no way addressed the concerns raised about the various issues. The report simply attempted to rationalize and defend the Corporation's position while seeming to ignore the problems which were resulting in many grievances being filed with my office.

On December 14, 1987 I wrote the then President and General Manager setting out in detail my comments to the Corporation's response. I rebutted the Corporation's arguments and provided actual case examples demonstrating the problems with the present process. Again we were advised that a further review would be undertaken and a report detailing the Corporation's position on each item would be provided to our office.

We continued to follow up with the Corporation on the outstanding issues and we waited patiently, as the Corporation had indicated on several occasions that a report would be forthcoming. However, it was not until the Autopac Review Commission, headed by Judge R. Kopstein, had expressed an interest in receiving a copy of our December 1987 report to the Manitoba Public Insurance Corporation, that the Corporation provided a further report to my office.

The Corporation's report in August 1988, advised that as a result of an inquiry from the Autopac Review Commission it was noted that we were waiting for a further response. The Corporation responded to our concerns and provided a copy of its response to the Autopac Review Commission. I was somewhat annoyed that after approximately four years, two extensive reports and several meetings with Senior Corporation staff, it still took an inquiry from the Autopac Review Commission to remind the Corporation to respond to our concerns.

The Corporation's response identified some positive steps taken to assist in minimizing actual cash value disputes at the negotiation stage. However its position on the arbitration process remained virtually unchanged. Again the Corporation's response tended to defend its position while failing to acknowledge or address the inequities and inconsistencies created by the present process.

The Corporation defended its position on the issue of providing legal representation to respondents in small claims court actions. It defended its position on the practice of using a 50/50 accident liability assessment for surcharge purposes in cases where the evidence is so conflicting that the Corporation states it is unable to establish liability. As far as the refund of premiums was concerned, we were again advised that the Corporation was contemplating a number of changes and the method of refunding premiums would be reviewed.

My 1987 Annual Report which was tabled in the Legislative Assembly in September 1988, provided an extensive update on the concerns our office had received involving the Manitoba Public Insurance Corporation. The report had been prepared before receiving the Corporation's latest response. Nevertheless, in reviewing the response it was evident that it would have had little impact on my report.

In January 1989, my Assistant and I met with the recently appointed President and General Manager and the Vice-President of Corporate and Community Relations to discuss in a general way the relationship between our respective offices and any concerns we might have. We raised the issues which had been presented in our previous Annual Reports.

At the time we were advised of a new system that was being implemented which it was felt would assist in determining fair market value and negotiating settlement. This involved the contracting of a private company which would research fair market values for total loss vehicles on behalf of the Corporation.

The President indicated that he was in favor of advance payments where there are settlement disputes and he would look at a daily pro-rating system for premium refunds. He acknowledged our concerns over the provision of legal representation to respondents in Small Claims Court, noting that any changes in this would require a change in legislation. The practice of making 50/50 assessments of liability was discussed. It seemed to me that the President felt that the present system was necessary except in very rare cases, but I also felt the President would seriously consider our concerns in the matter.

Following the meeting, I was satisfied that the issues raised would be reconsidered and our office would be kept informed. At the time of writing this report, inquiries were made with the Corporation to update what has transpired regarding the concerns presented in my 1987 Annual Report. The following is my understanding of the issues at the time of writing my 1988 Annual Report.

Arbitration

In my 1987 Annual Report, I raised concerns with the processes followed by the Corporation in negotiating total loss settlements. I provided several case examples illustrating the concerns. I also reiterated my feelings about the arbitration process which begins when negotiations fail.

In following up any changes made to the negotiation process, I was pleased to note the positive action taken to assist in minimizing disputes at the outset, thereby creating a situation where an insured may not feel the need to proceed to arbitration. We are advised that the Corporation has initiated a system whereby the actual market values of comparable vehicles are obtained from a private corporation to assist in determining the market value of a total loss vehicle. We are advised that the insured is provided up front with a list of comparable vehicles showing the description, mileage, vehicle options and market price, leaving only the matter of the condition of the vehicle to be negotiated between an insured and the Corporation's adjuster.

It would appear that this process should eliminate the potential for establishing low offers and "dealing" or "bargaining" to reach a settlement. The Cor-

poration advised that training sessions have been held on the implementation of the new system and, that the system will be continually monitored to ensure that settlements are fair.

The Corporation also advised our office in May 1989, that it would be issuing advance payments on total loss claims where the settlement is in dispute. The Corporation advised that the change should lessen any financial hardship faced by people who have an immediate need to replace their vehicles while preserving their right to have a settlement properly adjudicated.

The possibility of the Corporation making advance payments was raised in my 1983 Annual Report, in my 1987 Annual Report, and in many meetings with senior Corporation staff. However, it was not until after my recent meeting with the new President and General Manager that action was finally taken to resolve this issue.

While acknowledging the positive steps taken to improve the negotiating process, to my knowledge the arbitration process has not received the same attention. I do not intend to reiterate all my concerns with the process as these were already clearly stated in my 1983 and 1987 Annual Reports. I will only state again for the record, that I believe a thorough review of this process is needed. The present arbitration process in my opinion creates an adversarial system and encourages inconsistent and inequitable treatment. I have no doubt that I will continue to receive complaints centering around the arbitration process. They will be investigated and I expect that we will continue to raise concerns over this matter with the Corporation.

Provision of Legal Representation to Respondents in Small Claims Court Actions

Over the years I have raised concern with the inequity created when the Corporation provides legal counsel to an insured in Small Claims Court. In my 1987 Annual Report I presented my concerns and suggested that an amendment be considered to either The Manitoba Public Insurance Corporation Act or Regulations to exempt the Corporation of the obligation to provide defence in these actions. I also discussed the matter with the newly appointed President and General Manager of the Corporation.

Following my discussion with the President, inquiries were made with the Corporation and I was pleased to hear that positive action was taken regarding this matter. I understand that amendments to the Act and Regulations have been drafted whereby if accepted, the Corporation would be relieved of responsibility to defend actions in Small Claims Court for the recovery of deductibles. I hope that positive consideration will be given to the draft amendments.

50/50 Liability Assessments

In my 1987 Annual Report I commented on the practice of using a 50/50 accident liability assessment for surcharge purposes. I would suggest that situations occur where the Corporation feels it does not have sufficient evidence to assess liability for an accident against its insured, nor, on the evidence is it able to assess liability against another party. In these situations, which I am told are minimal, the Corporation assesses each party 50% responsible for the accident. While we can understand the basis for making a 50/50 assessment for purposes of claims settlement, consideration of this assessment for surcharge purposes in my opinion is wrong.

I have raised this with the Corporation on numerous occasions but, I have yet to feel that the matter has been seriously considered. In my meeting with the recently appointed President and General Manager, this issue was discussed and I felt that the matter would be given further consideration. At the time of writing this report, I am not aware of the outcome of any further consideration given to this issue. I expect that I will continue to receive complaints from individuals who feel aggrieved by the Corporation's practice in this matter.

Refund of Premiums

Individuals who purchase their registration and insurance during a particular month must pay the premium for the complete month. Individuals who turn in their registration and insurance during a particular month do not get a refund for the portion of the month for which no insurance was provided.

Example #1

An individual purchasing plates in the last week of the month must pay for the three weeks prior, although the person had not had insurance coverage.

Example #2

An individual turning in plates in the first week of the month must pay premiums for the last three weeks although the person will not receive coverage during that period.

We have in the past and in my 1987 Annual Report suggested that the Corporation consider purchase and refund of premiums on a weekly or bi-weekly

basis as this would appear to be more equitable. In 1986, we were advised that the refund practice was under review, in 1988, we were advised that it was under review and, recent inquiries with the Corporation indicate that the matter is still under review.

One would think that the review of this practice must be quite extensive considering that it has been underway for over three years. However, it would appear that this is simply another issue that my office has raised with the Corporation that has not been given appropriate attention. Nevertheless, we are looking forward to receiving the Corporation's position on this matter in due course.

Review of The Merit Point System

Approximately one year ago the Manitoba Public Insurance Corporation announced a program offering driver licence and vehicle insurance discounts for motorists who have established good driving records. Many complaints were lodged by individuals who were unable to qualify for the discount program based on the conditions established by the Corporation.

Our office began reviewing the matter at the time and continued to do so until changes to the program were implemented. While the changes did in fact resolve some of the inequities in the program, others remain, and I feel a thorough review of the program is warranted.

On receiving complaints relating to the driver licence and vehicle insurance discount program, I wrote to the Registrar of Driver and Vehicle Licencing, Department of Highways. Concerns were raised with the Registrar regarding drivers with good driving records who either recently moved to Manitoba or returned to Manitoba after a brief stay outside the province and were unable to obtain a merit point on their driver's licence, thereby disqualifying them from the discount program.

I also wrote to the Chief Operating Officer of the Manitoba Public Insurance Corporation raising concerns relating to the conditions individuals had to meet to receive the vehicle insurance discount. In particular, we noted the requirement that individuals must have a merit point on their driver's licence to qualify for a discount. It was indicated that this requirement may be oppressive if out-of-province driving records were not or could not be considered when awarding merit points. We also noted the many circumstances brought to our attention where an individual did not qualify for an insurance discount as his/her current vehicle or the vehicle it had replaced had not been registered for at least eight months between March 1, 1987 and February 29, 1988.

It appeared that the vehicle insurance discount program was intended for motorists who had established good driving records, yet, this condition seemed to unnecessarily exclude many drivers with accident and conviction free driving from obtaining the insurance discount.

Following the report to the Registrar, I was advised that the Division was reviewing the feasibility of awarding merits to out-of-province drivers applying for a Manitoba licence. The Registrar advised that other jurisdictions in Canada were being canvassed to determine whether or not sufficient information could be provided to establish out-of-province driver merit eligibility. We were advised that our office would be notified.

Subsequently, we were advised that due to a lack of uniformity in record keeping in other provinces, it was not feasible to award merit points based on these records. Options to resolve the inequitable situation were noted and we were advised that the Division planned to review the entire merit point system and that our contribution would be appreciated.

Meetings were held with the Manitoba Public Insurance Corporation officials regarding the many concerns our office had received over the insurance discount program. Following our discussions, a report was received providing information on the program, acknowledging that the program had some limitations and advising that the Corporation was re-examining its structure to determine whether further refinements were required. We were advised that it was the Corporation's intention to introduce changes resulting from its re-examination in time for the 1989 insurance year. The Corporation also noted that in some of the cases brought to its attention, vehicle owners actually did qualify for the discounts and the reductions were granted.

In September of 1988 I made a formal report to the Minister responsible for the Manitoba Public Insurance Corporation, advising that I felt there were valid concerns with the merit point and vehicle discount programs in that fairness and equity were difficult to achieve through the administration of these programs as they were presently set up. I provided in detail my comments and concerns with the merit point system and the requirement that vehicles be registered for at least eight months to qualify for the discount. My comments were based on a review of the complaints received and all other information gathered on the matter.

In October 1988 I was advised that the Corporation was conducting a thorough review of the program in an effort to address the inequities and that recommendations would be submitted to the Manitoba Public Insurance Corporation's Board of Directors for approval. I was advised that careful consideration would be given to my comments and I would be informed of any approved changes to the program.

In early 1989 our office became aware through the media that changes had been implemented to address the concerns presented and to deal with some of the inequities. Effective March 1, 1989, for a registered owner to qualify for a vehicle insurance premium discount, the owner must have held a valid Manitoba driver's licence with at least one merit point, be free of major traffic convictions during 1987 and 1988 and be free of at fault claims during 1988.

A provision was also made so that an out-of-province motorist who moved to Manitoba between February 1, 1987 and December 31, 1987 would be able to receive a vehicle insurance premium discount. If the motorist had no convictions on his/her driving record from the originating jurisdiction, had remained conviction free since moving to Manitoba and had no at fault claims for 1988, one merit point was awarded. This one merit point then entitled them to apply for the vehicle insurance premium discount. In addition, the requirement that a vehicle had to be registered in the name of the applicant for at least eight months was removed. None of these changes however were retroactive.

While the changes in the program may have satisfied many of the initial concerns, a review of the program as a whole raised some questions as to whether the program was effective or consistent in meeting its intended purpose.

Over the past year, I provided my comments to the Corporation and the Department of Highways and I had been advised that my comments would be considered in their review of the program. My understanding is that the reviews are continuing. In the meantime, I believe my comments should be recorded in this report.

The merit mark system was introduced on September 1, 1978 as an incentive for drivers to maintain an accident and conviction free driving record. For approximately nine years the only tangible benefit to a driver receiving a merit mark seemed to be that a merit mark could be applied against any subsequent demerit points that may be assessed against the driver. I note that each merit mark removes two demerit points.

The merit mark program is administered by the Driver and Vehicle Licencing Division of the Department of Highways and Transportation, a division that is also responsible for driver improvement. We are advised that the objective of the driver improvement and control section of the Division is to identify, monitor, and control errant drivers and to assist them to improve their future driving decisions in the interest of traffic safety for the Province of Manitoba. The Registrar maintains records respecting drivers who have been involved in accidents and convicted of traffic offences in Manitoba, in other Provinces, the United States, etc. Demerit points are assessed based on the records to assist the Registrar in determining when departmental action is required such as driver improvement interviews, defensive driving courses, driver testing and other appropriate action.

While we have received concerns from individuals who object to action being taken by the Registrar based on poor driving records, we believe most people support a system of identifying accident and conviction prone drivers for the purpose of taking appropriate action to make our highways safer for all.

I have raised concerns with the Corporation and with the Department of Highways that in my view the merit mark system seemed counter-productive to the above goal. I indicated that merit points awarded on a past driver's record indicate that an individual **was** a good driver. However, recognizing that driving habits can change, I noted that it would seem that merit points should not offset the need for appropriate actions based on present driving habits. I indicated that an individual who was a good driver and had been awarded five merit points based on his/her past record may commit, in one year, up to seven traffic offences or responsible accidents before being called in for a driver improvement interview.

While recent changes have allowed for the provision of one merit point for new Manitobans with good driving records from other jurisdictions, a number of inequities still exist as a result of the merit point system, which I should point out is the only system of its kind in Canada. We are advised of the lack of uniformity in record keeping in other provinces which makes it difficult for the Driver and Vehicle Licencing Division to apply merits equitably. We also understand the Driver and Vehicle Licencing Division is faced with the responsibility of maintaining a complex, time consuming merit point system which places on it a burdensome administrative workload which has impacted on the public in a less than favourable way. We would suggest that in most other provinces, insurance premium discounts and driver licence discounts are based directly on driving records

and insurance claims records, not on a system of earning merits.

My feeling is that the merit mark system does not provide a fair and equitable basis upon which to base driver's licence and insurance premium discounts for motorists. Firstly, new Manitobans with good driving records and insurance claims records who would otherwise receive full discounts in other jurisdictions can only receive a $5.00 discount on their driver's licence rather than a $25.00 discount as received by others in Manitoba with similar records. This of course is due to the lack of uniformity in record keeping in other provinces which made it unfeasible for the Registrar to award merit points based on those records.

Other inequities can result from the present program, as was the situation in a recent case brought to my attention. A pedestrian was hit by a vehicle and while recovering from injuries, his medical condition was such that the Motor Vehicle Branch was required to suspend this pedestrian's driver's licence for approximately four months based on a medical report from his doctor. As a result of the suspension, this individual could not earn a merit and accordingly lost the corresponding discount on his driver's licence, although the suspension had no relation to his driving or accident record.

My understanding is that the driver's licence and vehicle insurance discount program was intended to benefit those motorists who had established a good driving and accident free record. We understand that as a result of changes to the program that took effect on March 1, 1989, many individuals who are considered to be higher risks and would not qualify for the discounts are now simply transferring ownership of their vehicles to another family member who would qualify for the discount. In the meantime, others with good driving and accident records may fail to get the full discount because of their inability to obtain a merit point due to factors other than their driver or accident claim records.

In my opinion the merit point system which was introduced in 1978 was never intended to be used for the purpose of insurance discounts. To base driver's licence and insurance discounts on a merit point system rather than on factual driver and accident records seems to me to be wrong. Surely, if other provinces and private corporations are able to apply insurance discounts based on driver and accident records, rather than on a system of earning merits, serious consideration can and should be given to the need for tying discounts into earned merit points. I say this in consideration of the cost of administering the program, the inequities created, and the questions I have as to whether the merit mark system meets the objective of the Driver and Vehicle Licencing Division relating to driver improvement and traffic safety.

Public Relations

The year 1988 was quite a busy year for the Ombudsman as far as public relations was concerned. The Ombudsman attended sixty-five public relations functions which involved a combined total of over five thousand people. Of the functions attended, the Ombudsman played a role as speaker or special guest in thirty-seven of these, listed as follows:

Event	Location	Topic of Presentation (or Role Played*)	Approximate No. of People Present
Afro-Caribbean Cultural Centre — Martin Luther King Jr. Public Forum	Winnipeg	Human Rights and Education	60
The University of Manitoba — Introduction to Public Administration class	Winnipeg	The Role of the Ombudsman	50
Grenadian Association of Manitoba, Inc. — Eighth Annual Banquet and Dance	Winnipeg	*Extended Greetings	100
Central Region 4-H Selections Conference	Winnipeg	Free to be Responsible	50
The University of Winnipeg — Law class	Winnipeg	The Role of the Ombudsman	50
Liaison Committee for Caribbean Organizations — Conference	Winnipeg	Leadership in the Community	175
Margaret Barbour Collegiate — Journalism class	The Pas	The Role of the Ombudsman	6
The Pas Friendship Centre — Public Information Session	The Pas	The Role of the Ombudsman	10
The Golden Agers	The Pas	The Role of the Ombudsman	25
Flin Flon Indian Metis — Friendship Centre	Flin Flon	The Role of the Ombudsman	3
Adult Corrections — Superintendent's Meeting	Winnipeg	The Role of the Ombudsman	12
Retirement Dinner for Superintendent of Portage Correctional Institution	Portage la Prairie	*Toast to the Superintendent	180
Conference by City of Winnipeg Community and Race Relations Committee — Combatting Racism in Winnipeg	Winnipeg	*Moderator of Workshop on Native Issues	20
African Association of Manitoba, Inc. — Annual Banquet and Dance	Winnipeg	*Extended Greetings	50
Milner Ridge Correctional Institution — Pre-Employment class	Milner Ridge	The Role of the Ombudsman	23
South Winnipeg Technical Centre — Job Entry class	Winnipeg	The Role of the Ombudsman	15

Event	Location	Topic of Presentation (or Role Played*)	Approximate No. of People Present
The Sixth Federal/Provincial — Seminar on Volunteers in Corrections	Winnipeg	Changing Legislation — The Challenge to Correctional Volunteerism	140
Health Sciences Centre PN2 — Community Group Meeting	Winnipeg	The Role of the Ombudsman	10
Orientation Seminar for new MLA's	Winnipeg	The Role of the Ombudsman	10
Rite — Irees Luncheon Club — Ancient and Accepted Rite of Freemasonry	Winnipeg	The Role of the Ombudsman	60
Scottish Association of Winnipeg Inc. — Pavilion of Scotland "Haggis Hurl"	Winnipeg	*Tossing of the Haggis	200
Manitoba Legislative Interims	Winnipeg	The Role of the Ombudsman	7
Assiniboine Community College — Native Correctional Officer Training Program	Brandon	The Role of the Ombudsman	20
All Charities Campaign Kick Off	Winnipeg	*Participant in Hat Fashion Show	200
The University of Winnipeg — Administrative Law Seminar	Winnipeg	The Role of the Ombudsman	12
Flin Flon Indian Metis Friendship Centre — Pe-meet-Sook Luncheon	Flin Flon	The Role of the Ombudsman	30
Naturas — Tenth Anniversary Celebration	4 miles south of St. Pierre	Value Yourself — A Word to Youth in Care	60
National 4-H Careers Conference	Winnipeg	Choosing a Career	60
United Church Women, General Meeting — Fort Garry United Church	Winnipeg	The Role of the Ombudsman	35
The Winnipeg School Division No. 1 — Inner City Conference	Winnipeg	Working Together for Winnipeg's Inner City	150
Manitoba Social Science Teachers' Association/Manitoba Association for Multicultural Education — Special Area Group Conference	Winnipeg	The Role of the Ombudsman	9
Alberta Legislative Interims	Winnipeg	The Role of the Ombudsman	5
Provincial Judges' Association Seminar	Winnipeg	The Ombudsman's Role re Inquests	30
Afro — Caribbean Association of Manitoba, Inc. — 20th Anniversary Celebration and Annual Harambee	Winnipeg	*Special Guest	275
The University of Winnipeg — Administrative Law — Honors Class	Winnipeg	The Role of the Ombudsman	50

Event	Location	Topic of Presentation (or Role Played*)	Approximate No. of People Present
Red River Community College — Corrections Training Course	Winnipeg	The Role of the Ombudsman	20
Manitoba Correctional Education Association's Third Annual Conference	Winnipeg	Rights of Kids, Responsibilities of Teachers	40

Ombudsman Staff Workshop

The Ombudsman Staff Workshop, which has become an annual event for investigative staff members of Canadian Ombudsman Officers, was held in Fredericton, New Brunswick, July 6 - 8, 1988. Attending the workshop representing the Manitoba Ombudsman's Office were two Investigators, Kris Ramchandar and Susan Archibald. Kris, who has been an Investigator with our office for 3 1/2 years, presented a paper entitled **The Investigator and the Power of Information**, while Susan, an Investigator with our office for 2 years, made a presentation on the topic **Challenges to Investigators – Effective Relationships with Complainants**. The presentations of our Investigators were well received and certainly contributed to the success of the conference.

Other topics discussed at the Ombudsman Staff Workshop included: The Investigative Function — Special Issue Investigations; Critical Issues — Corrections; The Investigative Function — Investigative Technique; Critical Issues — Employee Complaints; Reports, Public Education and Statistics; Challenges to Investigators — Effective Relationships with the Public Service; Critical Issues — Caseload Management, Stress and Investigator Accountability; Critical Issues — Workers' Compensation; The Investigator and the Charter — Update 1988; Critical Issues — Non-jurisdictional matters; and Ombudsman Staff Issues. As can be seen the conference was a very busy and informative one, and I believe our two staff members benefitted immensely from the opportunity to attend and participate in this workshop. It is only by agonizing together over our disappointments, and sharing with our colleagues the joys of our accomplishments that we are able to move forward together in self development and improve the Ombudsman concept across the nation and around the world. We extend our appreciation to the Office of the New Brunswick Ombudsman for organizing and hosting the 1988 Ombudsman Staff Workshop.

Freedom of Information

On September 30, 1988 Manitoba's Freedom of Information Act, which had been given royal assent in July 1985, was proclaimed. The basic principle of The Freedom of Information Act is that every person, upon application, has a right to access to any record in the custody or under the control of a department or agency (of the provincial government) including any record which discloses information about the applicant. If an applicant wishes to appeal a decision regarding an application for access then the first step in the appeal process under The Freedom of Information Act is to the Ombudsman. The role of the Ombudsman in this regard will be discussed in more detail in the Ombudsman's Annual Report under The Freedom of Information Act. It is mentioned here simply to update the public on the expanded role of our office, and to indicate that since September 1988 our workload and responsibilities have increased due to the proclamation of The Freedom of Information Act.

Complaint Statistics

Cases Brought Forward From the Previous Year

At the close of 1987, there were 312 cases still pending (3 of which were from 1983, 9 from 1984, 38 from 1985, 85 from 1986 and the remainder, 177 from 1987. The disposition of these cases are as follows:

Assistance Rendered 16

- 85-120-11 — Boards, Commissions and Committees
- 85-150-110 — Community Services
- 85-290-25 — Health
- 85-340-5 — Hydro
- 85-430-1 — Workers Compensation Board
- 86-140-89 — Community Services
- 86-140-108 — Community Services
- 86-210-2 — Employment Services and Economic Security
- 86-320-7 — Labour
- 86-410-27 — Workers Compensation Board
- 87-140-102 — Community Services
- 87-140-107 — Community Services
- 87-140-122 — Community Services
- 87-140-149 — Community Services
- 87-290-18 — Housing
- 87-410-18 — Workers Compensation Board

Declined 2

- 85-370-10 — Municipalities, Cities, Towns, Etc.
- 87-110-55 — Attorney General

Discontinued (Client) 16

- 84-150-69 — Community Services and Corrections
- 84-350-56 — Manitoba Public Insurance Corporation
- 85-150-87 — Community Services
- 85-310-3 — Housing
- 86-110-32 — Attorney General
- 86-280-23 — Highways and Transportation
- 86-350-47 — Manitoba Public Insurance Corporation
- 87-100-12 — Agriculture
- 87-110-41 — Attorney General
- 87-130-5 — Civil Service Commission
- 87-140-144 — Community Services
- 87-140-174 — Community Services
- 87-210-16 — Employment Services and Economic Security
- 87-230-7 — Environment and Workplace Safety and Health
- 87-270-106 — Health
- 87-280-21 — Highways and Transportation

Discontinued (Ombudsman) 8

- 86-110-47 — Attorney General
- 86-140-10 — Community Services
- 87-210-37 — Employment Services and Economic Security
- 87-230-6 — Environment and Workplace Safety and Health
- 87-270-39 — Health
- 87-350-50 — Manitoba Public Insurance Corporation
- 87-350-57 — Manitoba Public Insurance Corporation
- 87-380-54 — Private Matters

Information Supplied 33

84-460-26 — Workers Compensation Board
85-150-14 — Community Services
85-150-150 — Community Services
86-110-39 — Attorney General
86-140-77 — Community Services
86-290-34 — Housing
86-380-40 — Private Matters
86-410-9 — Workers Compensation Board
87-110-44 — Attorney General
87-140-86 — Community Services
87-140-146 — Community Services
87-140-151 — Community Services
87-140-152 — Community Services
87-140-164 — Community Services
87-210-41 — Employment Services and Economic Security
87-230-4 — Environment and Workplace Safety and Health
87-270-1 — Health
87-270-69 — Health
87-270-72 — Health
87-270-77 — Health
87-270-95 — Health
87-270-100 — Health
87-270-103 — Health
87-290-33 — Housing
87-350-63 — Manitoba Public Insurance Corporation
87-350-68 — Manitoba Public Insurance Corporation
87-360-6 — Natural Resources
87-360-14 — Natural Resources
87-380-38 — Private Matters
87-380-59 — Private Matters
87-410-12 — Workers Compensation Board
87-410-24 — Workers Compensation Board
87-410-28 — Workers Compensation Board

Not Supported 96

84-300-39 — Housing
84-400-3 — Northern Affairs
85-120-4 — Boards, Commissions and Committees
85-120-6 — Boards, Commissions and Committees
85-120-24 — Boards, Commissions and Committees
85-120-31 — Boards, Commissions and Committees
85-120-35 — Boards, Commissions and Committees
85-230-24 — Employment Services and Economic Security
85-310-52 — Housing
85-360-60 — Manitoba Public Insurance Corporation
85-380-13 — Natural Resources
86-100-3 — Agriculture
86-110-49 — Attorney General
86-110-7 — Attorney General
86-140-68 — Community Services
86-140-91 — Community Services
86-140-120 — Community Services
86-140-156 — Community Services

86-150-2 — Consumer and Corporate Affairs
86-200-7 — Education
86-210-15 — Employment Services and Economic Security
86-270-17 — Health
86-270-56 — Health
86-270-65 — Health
86-290-6 — Housing
86-290-15 — Housing
86-290-26 — Housing
86-300-6 — Hydro
86-320-11 — Labour
86-350-3 — Manitoba Public Insurance Corporation
86-350-51 — Manitoba Public Insurance Corporation
86-350-56 — Manitoba Public Insurance Corporation
86-360-3 — Natural Resources
86-410-29 — Workers Compensation Board
87-100-1 — Agriculture
87-100-2 — Agriculture
87-100-3 — Agriculture
87-100-7 — Agriculture
87-110-8 — Attorney General
87-110-25 — Attorney General
87-110-27 — Attorney General
87-110-43 — Attorney General
87-110-46 — Attorney General
87-110-49 — Attorney General
87-110-53 — Attorney General
87-110-57 — Attorney General
87-140-7 — Community Services
87-140-11 — Community Services
87-140-20 — Community Services
87-140-101 — Community Services
87-140-112 — Community Services
87-140-128 — Community Services
87-140-131 — Community Services
87-140-139 — Community Services
87-140-172 — Community Services
87-140-181 — Community Services
87-150-2 — Consumer and Corporate Affairs
87-150-3 — Consumer and Corporate Affairs
87-170-8 — Corporations and Extra Departmental
87-190-1 — Culture, Heritage and Recreation
87-210-1 — Employment Services and Economic Security
87-210-38 — Employment Services and Economic Security
87-250-1 — Finance
87-250-2 — Finance
87-270-71 — Health
87-270-96 — Health
87-270-98 — Health
87-270-108 — Health
87-280-4 — Highways and Transportation
87-280-5 — Highways and Transportation
87-290-8 — Housing
87-290-23 — Housing

87-290-30 — Housing
87-290-39 — Housing
87-290-42 — Housing
87-300-1 — Hydro
87-300-11 — Hydro
87-320-10 — Labour
87-350-10 — Manitoba Public Insurance Corporation
87-350-17 — Manitoba Public Insurance Corporation
87-350-32 — Manitoba Public Insurance Corporation
87-350-34 — Manitoba Public Insurance Corporation
87-350-37 — Manitoba Public Insurance Corporation
87-350-38 — Manitoba Public Insurance Corporation
87-350-46 — Manitoba Public Insurance Corporation
87-350-62 — Manitoba Public Insurance Corporation
87-350-64 — Manitoba Public Insurance Corporation
87-350-65 — Manitoba Public Insurance Corporation
87-360-1 — Natural Resources
87-360-11 — Natural Resources
87-360-16 — Natural Resources
87-360-18 — Natural Resources
87-410-2 — Workers Compensation Board
87-410-8 — Workers Compensation Board
87-410-9 — Workers Compensation Board
87-410-15 — Workers Compensation Board

Resolved 45

85-120-8 — Boards, Commissions and Committees
85-150-29 — Community Services
85-150-129 — Community Services
85-230-36 — Employment Services and Economic Security
85-300-19 — Highways and Transportation
85-350-32 — Manitoba Public Insurance Corporation
86-140-115 — Community Services
86-140-152 — Community Services
86-140-164 — Community Services
86-140-170 — Community Services
86-290-4 — Housing
86-320-1 — Labour
86-350-36 — Manitoba Public Insurance Corporation
86-350-49 — Manitoba Public Insurance Corporation
86-350-61 — Manitoba Public Insurance Corporation
86-360-10 — Natural Resources
87-100-5 — Agriculture
87-110-50 — Attorney General
87-140-95 — Community Services
87-140-99 — Community Services
87-140-110 — Community Services
87-140-123 — Community Services
87-140-125 — Community Services
87-140-126 — Community Services
87-140-130 — Community Services
87-140-147 — Community Services
87-140-158 — Community Services
87-140-160 — Community Services

87-140-175 — Community Services
87-140-179 — Community Services
87-210-17 — Employment Services and Economic Security
87-230-1 — Environment and Workplace Safety and Health
87-270-94 — Health
87-270-102 — Health
87-280-18 — Highways and Transportation
87-320-3 — Labour
87-330-1 — Municipal Affairs
87-340-6 — Municipalities, Cities, Towns, Etc.
87-350-51 — Manitoba Public Insurance Corporation
87-360-9 — Natural Resources
87-360-12 — Natural Resources
87-410-4 — Workers Compensation Board
87-410-20 — Workers Compensation Board
87-410-21 — Workers Compensation Board
87-410-30 — Workers Compensation Board

Recommendation 3

84-100-4 — Agriculture
84-100-8 — Agriculture
84-100-9 — Agriculture

Pending 93

83-220-3 — Environment and Workplace Safety and Health
83-280-40 — Highways and Transportation
83-360-8 — Natural Resources
84-350-58 — Manitoba Public Insurance Corporation
85-150-122 — Community Services
85-150-139 — Community Services
85-230-32 — Employment Services and Economic Security
85-290-9 — Health
85-290-52 — Health
85-290-67 — Health
85-290-103 — Health
85-330-5 — Labour
85-360-12 — Manitoba Public Insurance Corporation
85-360-20 — Manitoba Public Insurance Corporation
85-360-34 — Manitoba Public Insurance Corporation
86-110-20 — Attorney General
86-110-26 — Attorney General
86-110-33 — Attorney General
86-130-1 — Civil Service Commission
86-140-3 — Community Services
86-140-14 — Community Services
86-140-15 — Community Services
86-140-16 — Community Services
86-140-51 — Community Services
86-140-52 — Community Services
86-140-57 — Community Services
86-140-79 — Community Services
86-140-92 — Community Services
86-140-121 — Community Services
86-140-127 — Community Services

86-140-141 — Community Services
86-140-142 — Community Services
86-140-147 — Community Services
86-280-7 — Highways and Transportation
86-280-21 — Highways and Transportation
86-290-3 — Housing
86-290-17 — Housing
86-290-19 — Housing
86-330-2 — Municipal Affairs
86-330-3 — Municipal Affairs
86-330-5 — Municipal Affairs
86-350-1 — Manitoba Public Insurance Corporation
86-350-2 — Manitoba Public Insurance Corporation
86-350-7 — Manitoba Public Insurance Corporation
86-350-12 — Manitoba Public Insurance Corporation
86-350-17 — Manitoba Public Insurance Corporation
86-350-19 — Manitoba Public Insurance Corporation
86-350-20 — Manitoba Public Insurance Corporation
86-350-22 — Manitoba Public Insurance Corporation
86-350-28 — Manitoba Public Insurance Corporation
86-350-30 — Manitoba Public Insurance Corporation
86-350-44 — Manitoba Public Insurance Corporation
87-100-8 — Agriculture
87-110-15 — Attorney General
87-110-16 — Attorney General
87-110-46 — Attorney General
87-110-51 — Attorney General
87-140-4 — Community Services
87-140-37 — Community Services
87-140-44 — Community Services
87-140-79 — Community Services
87-140-81 — Community Services
87-140-84 — Community Services
87-140-105 — Community Services
87-140-115 — Community Services
87-140-134 — Community Services
87-140-137 — Community Services
87-140-153 — Community Services
87-140-163 — Community Services
87-140-176 — Community Services
87-140-177 — Community Services
87-220-1 — Energy and Mines
87-250-3 — Finance
87-260-2 — Government Services
87-270-69 — Health
87-270-82 — Health
87-270-107 — Health
87-280-17 — Highways and Transportation
87-280-20 — Highways and Transportation
87-290-25 — Housing
87-290-31 — Housing
87-290-32 — Housing
87-290-35 — Housing
87-330-2 — Municipal Affairs

87-350-8	— Manitoba Public Insurance Corporation
87-350-15	— Manitoba Public Insurance Corporation
87-350-18	— Manitoba Public Insurance Corporation
87-350-45	— Manitoba Public Insurance Corporation
87-360-4	— Natural Resources
87-360-10	— Natural Resources
87-360-13	— Natural Resources
87-360-17	— Natural Resources
87-370-1	— Northern Affairs

From the above, it is noted that of the 312 cases brought forward from the last reporting year, 219 (70%) were concluded during this reporting year with 93 (30%) being carried over into 1989.

Dispositions of 1988 Complaints

Assistance Rendered	47
Declined	27
Discontinued (Client)	88
Discontinued (Ombudsman)	16
Information Supplied	184
Not Supported	157
Pending	233
Resolved	91
Recommendation	0
Nothing doing	0
TOTAL	**843**

Looking at the disposition of the complaints received in 1988, we note that 610 or 72% were completed during the year. Of that number, 322 or 53% were in the categories Assistance Rendered, Information Supplied and Resolved.

The number of cases carried over to 1989 was 233 or 28% of the cases received during the year. This is somewhat higher than the 23% caseload which was carried over from 1987 to 1988.

There was only a small number of cases which the Ombudsman declined to investigate, namely 27, which represents 3% of the total number of cases received.

Of the cases received during the year, 104 or 12% were discontinued either by the Ombudsman or the client.

Finally, of the cases completed, we note that 157 or 26% were not supported.

Complaints Attributed to each Department or Agency

Rank	Department or Category	Number of Complaints	Percentage of Total (Approximately)	Number of Complaints Up From Last Year (+) Down From Last Year (-)
1	Attorney General	163	19.34%	+
2	Community Services	138	16.37%	-
3	Manitoba Public Insurance Corporation	97	11.51%	+
4	Private Matters	73	8.66%	+
5	Health	69	8.19%	-
6	Highways and Transportation	54	6.41%	+
7	Employment Services and Economic Security	47	5.58%	+
8	Workers Compensation Board	39	4.63%	+
9	Housing	33	3.91%	-
10	Manitoba Hydro	24	2.85%	+
11	Labour	16	1.90%	+
12	Natural Resources	14	1.66%	-
13	Corporations and Extra Departmental	12	1.42%	-
14	Education	11	1.30%	+
15	Agriculture	9	1.07%	same
16	Federal Departments and Agencies	8	0.95%	+
17	Environment and Workplace Safety and Health	7	0.83%	same
	Municipalities, Cities, Towns, Etc.	7	0.83%	-
18	Civil Service Commission	5	0.59%	same
19	Municipal Affairs	4	0.47%	+
	Co-operative, Consumer and Corporate Affairs	4	0.47%	-
20	Finance	3	0.36%	same
21	Government Services	2	0.24%	same
22	Northern Affairs	1	0.12%	same
	Energy and Mines	1	0.12%	same
	Business Development and Tourism	1	0.12%	-
	Chief Electoral Officer	1	0.12%	+
	Total	**843**	**100.00%**	

Those who have followed the ranking system since I introduced it in my Annual Report in 1983 will note that Community Services, which has held the number one position every year, has now been replaced by the Department of the Attorney General. The reason for this is that during 1988 government reorganization saw Corrections moved from Manitoba Community Services to Manitoba Attorney General, and a large portion of the complaints received every year comes from inmates in correctional facilities. In this 1988 report these complaints are shared between the two departments. In the next annual report, unless there are further organizational changes all corrections complaints will be logged under the Department of Attorney General.

Complaints by the Year

Year	Written Complaints	Telephone Enquiries	Total of Written Complaints and Telephone Enquiries
1970	333	—	333
1971	396	—	396
1972	487	—	487
1973	441	—	441
1974	641	—	641
1975	651	—	651
1976	596	—	596
1977	606	—	606
1978	543	—	543
1979	531	—	531
1980	510	—	510
1981	526	—	526
1982	551	348	899
1983	728	1,179	1,907
1984	807	1,275	2,082
1985	858	1,826	2,684
1986	674	1,347	2,021
1987	757	3,261	4,018
1988	843	2,262	3,105
Totals	**11,479**	**11,498**	**22,977**

Sources of Complaints

Alonsa	1	Moosehorn	1
Altona	1	Morden	3
Arborg	4	Neepawa	2
Arnes	1	Norway House	1
Ashern	1	Oakbank	1
Baldur	2	Oakville	1
Beausejour	2	Petersfield	1
Bellsite	1	Pilot Mound	2
Belmont	1	Pinawa	2
Berens River	1	Pine Falls	3
Bissett	1	Poplarfield	1
Brandon	72	Portage la Prairie	12
Bruxelles	1	Red Sucker Lake	1
Carberry	1	Roblin	1
Cross Lake	1	Rossburn	1
Dauphin	9	Russell	2
Deloraine	1	Sandy Lake	2
Dugald	1	Selkirk	19
Elm Creek	1	Seven Sisters	2
Erickson	3	Souris	1
Fisher Branch	1	South Junction	1
Flin Flon	5	Split Lake	1
Foxwarren	1	Springstein	1
Garson	1	St. Adolophe	1
Gimli	3	St. Andrews	1
Gladstone	2	St. Claude	1
Glenora	1	St. Laurent	1
Grunthal	2	St. Lazare	1
Hazelridge	1	St. Martin	1
Headingley	71	St. Norbet	1
Ile des Chenes	1	Ste. Rose du Lac	1
Inwood	2	Steinbach	5
Kenton	1	Stony Mountain	1
Killarney	3	Strathclair	1
La Broquerie	2	Sundance	1
La Salle	1	Swan River	2
Lac du Bonnet	2	The Pas	11
Lockport	1	Thompson	7
Lundar	2	Tilston	1
Lyleton	1	Treherne	1
Mafeking	1	Virden	1
Malonton	2	Warren	1
Manigotogan	1	Whitemouth	2
Marius	1	Winkler	3
Marquette	1	Winnipeg	481
Mather	1	Woodridge	1
Melita	2	Zhoda	1
Minnedosa	1		
Subtotal			**810**

Out of Province	
Alberta	6
British Columbia	6
Nova Scotia	1
New Zealand	1
Ontario	10
Saskatchewan	7
Spain	1
Yukon, N.W.T.	1
Subtotal	**33**
Total	**843**

Selected Case Summaries

Cases Involving Children

Under the Ombudsman Act, investigations may be initiated on the basis of a written complaint or on the Ombudsman's own initiative. When I initiate a complaint on my own motion, it may be as a result of a general concern which has been brought to my attention through the media or by some other source. Systemic issues may also come to our attention as a result of an investigation into a specific complaint. I may then deal with the specific issues brought forward by our complainants and open a separate file under my own initiative to address general issues which we have identified.

One such area that we have been monitoring over the past year relates to the general issue of financial supports available to older teenagers who may be living independently in the community and who may not have any specific protection concerns requiring them to come into the care of a Child and Family Services agency. As a result of our contact with some teenagers who have been in this position, it appears that some come into contact with Child and Family Services agencies because they do not have financial resources to meet their needs. Indications are that there may be somewhat of a grey area with regard to the services and financial resources available to this population.

We wrote to the Department of Community Services, Office of Child and Family Support, on this issue and inquired as to what action may have occurred to address the needs of older teenagers and if a specific process was in place for referrals for financial assistance. I was advised by the Department of Community Services that, in the fall of 1988, a joint committee had been struck to look at this issue. We are awaiting further clarification as to what action or decisions may have been taken to address the needs of older teens.

I realize that agencies are caught in the constant battle of trying to make the most effective use of their resources and that high priority must be given to situations where children are being subjected to sexual, physical and emotional abuse. However, some attention must be paid to those children who find themselves on their own and in financial need.

The definition of "child" under The Child and Family Services Act, means a person under the age of majority; which in Manitoba is 18 years. I suspect that many of the "street kids" and older teens trying to sustain themselves independently in the community, have left home because of family violence, conflict or abuse. Although they may be considered old enough to "protect themselves", they may choose the life of the street as opposed to remaining at home in situations of conflict. Some of these kids end up involved in juvenile prostitution, drugs or other delinquent behavior to support themselves.

Certainly, parental responsibility cannot be abdicated. Parents may consider it an alternative to drop adolescents on the doorstep of Child and Family Services agencies because they either can't or won't cope with adolescent behavior which may bring them into conflict with their children. Nevertheless, if the cycle is to be broken appropriate services must be in place to assist these older teenagers, and their parents. Service must not be denied simply on the basis of age and a thorough assessment of each situation should occur when service is requested.

The following summaries include two case examples involving requests for financial assistance by, or on behalf of, older teenagers.

88-140-10 Manitoba Community Services

Reports difficulties in obtaining assistance from Child and Family Services for an older teenager.

The Investigator (Children's Concerns) received a telephone call from a woman in the community, advising that a seventeen year old friend of her son had been kicked out of his home and was staying with her. She advised that she knew the boy and his family when they had previously lived in her neighborhood. On other occasions when he had run into conflict at home, he had come and stayed at her house. The boy and his family had since moved away but, with the latest incident, he had again come back to her.

She stated that it was impossible for him to live at home because of his stepfather. She had advised the boy to phone the Child and Family Services agency in the area where he and his family were now living. He had done so, and it was reported that the Child and Family Services worker had phoned him back and told him that they could do nothing for him because of his age. He reportedly was told to quit school and get a job to look after himself.

The woman calling our office stated she had also spoken to the boy's parents and they knew he was staying with her. She really didn't feel that the boy could return home and she advised our Investigator that this young lad was quite upset and didn't know what to do. She felt he should be back in school but did not feel she could look after him

indefinitely. She had not contacted the agency directly prior to phoning our office. Therefore, the Investigator suggested to her that she contact the Executive Director of the agency involved and she indicated she would do so.

Four days later, our Investigator received another phone call from the woman. She stated that she had spoken to the Executive Director, as well as the Supervisor at the agency. The Supervisor had apparently requested that she telephone the boy's mother and she stated she had done so. She advised that the mother had told her that she did not want the son at home. The Supervisor had then informed her that they would set up interviews with the boy and his mother. A worker was to get back to her on the matter. However, when she next contacted our office, she stated that nothing had yet happened and she was feeling confused as to whether or not service would be provided. She also stated that the agency had told her it was the responsibility of the parents to pay for the boy's care.

Given that our complainant had followed the suggestion first made by our office, the Investigator informed her that she would phone the agency on her behalf to obtain clarification regarding the status of the matter. The Investigator then spoke to the agency Supervisor, who advised that a meeting was to be arranged with the boy's mother and stepfather. As well, a meeting would be arranged with the boy himself. It was the agency's understanding that the mother and son were very close but there were some problems adjusting to the move from his former residence. They felt that this may have some bearing on the situation. Unless they were satisfied that the home was unsafe or that the mother was not willing to care for the boy, they would be putting as much responsibility as possible on the mother.

The Investigator discussed the issue of assessing a teenager's situation prior to refusing service. While there certainly are also considerations for the agency in terms of their resources and workload priorities, our position is that rather than simply refusing service an assessment needs to be done to determine whether there is a risk situation and, in any event, to determine what alternatives exist for these teenagers in difficulty.

We subsequently received information from the agency that a meeting had been held with the boy, his mother and the woman who had originally telephoned us on his behalf. It had become apparent that there were unresolved step-family issues with the family. The agency had taken the boy into care and placed him with our caller pending the outcome of a home- study. The agency also advised that their policy for sixteen and seventeen year olds was to look to the family and child for resources rather than automatically bringing the child into care. This was due to the fact that many teenagers turn to the agency not because of child welfare issues but simply because they would like financial assistance to move out of their home. It was stated that children who are genuinely at risk at home would continue to be served by the agency.

Our Investigator got in touch with the woman who had phoned on the boy's behalf and she confirmed that he had been placed in her care and she was satisfied with the service being provided by the agency. As the matter was resolved, our file was concluded.

88-140-132 **Manitoba Community Services**

Youth seeking help obtaining financial assistance.

A telephone call was received in November 1988, from a seventeen year old youth who stated he had been living on his own since July. He advised that he had left home because of family problems and had been living with a cousin. He had been receiving financial assistance through the Provincial Social Allowances Program under Section 5(1)(f). This Section applies when the person in need is a child under eighteen years of age whose parents are dead or unable to provide adequate support and the child depends upon a specific person other than parents for financial support.

However, the youth reported that he had moved away from his cousin's home and went to live with another cousin in October. At that time eligibility under the 5(1)(f) program was discontinued. He stated he again required financial assistance as the cousin he was currently living with had also just told him that he had to move out.

He stated that he was attending school on a regular basis and he did not want to move back home again because of family problems. He did not want to elaborate on what they were. He had previously been involved with a Child and Family Services agency but did not appear to be involved with them at the time he called our office.

The youth was calling from his mother's phone. He said the reason he had phoned on that particular day was because he had a bad cold and he thought he needed medication. Because he was not getting social allowances he had no money to pay for medication. He indicated that his parents are also on social

assistance and would not help him pay for his medication. He stated that his mother had talked to a Supervisor at the agency today but he didn't know what was said. His mother was no longer at home and he couldn't get money to go to the doctor.

Our Investigator advised that she would telephone the agency on the boy's behalf, in order to get clarification with respect to what was happening. When she could not get through to the Supervisor directly, a message was left for him to call. An attempt was made to call the youth back but he had left his mother's home. The Investigator then spoke to the mother and she stated that she had talked to the Supervisor and had been told that the boy would have to apply for assistance under 5(1)(f) of the Social Allowances Program. The mother indicated the problems at home related to her son not wanting to follow family rules; she also said the house was quite crowded. A message was left for the youth to telephone the Investigator.

The next day our Investigator spoke to the Supervisor and discussed the situation. The agency had no record of previous contact with the boy but the Supervisor confirmed he had spoken to the mother yesterday. He had suggested that the mother could apply to Social Allowances for assistance if the boy was staying with her. The Supervisor was unaware that the youth had reportedly left home due to family problems but understood it was because the home was too crowded. The Supervisor was going to see if there was a file and call us back. In the meantime, our Investigator received another phone call from the youth. He stated that he was now in a situation where he had to definitely move out of his cousin's home. In pursuing this further, he did indicate to the Investigator that he could stay with his mother on a short term basis and he also advised that there were too many people living there now and he created an additional problem if he moved back. We had further discussion with the agency Supervisor and he agreed that a further assessment of this youth's situation would be appropriate in order to try to get some understanding of what was occurring. He advised that he would make arrangements to have an Intake Worker available when the youth called the agency. The Investigator passed this information on to the youth who indicated he would call the agency. He was also advised that he could call our office back again if he felt the matter was not resolved or he had any ongoing concerns.

Nothing further was heard from the youth and our Investigator contacted the agency approximately a month later to find out what had occurred. She was advised that the agency had been in contact with the youth and attempted to get him on the Social Allowance Program but was not successful. The youth had moved in with someone else who also indicated she could not keep him indefinitely. The agency was also in contact with the boy's mother and discussed the situation. She had indicated that he could return home to live with them. The agency gave this information to the youth indicating that if it did not work out, he could contact the agency again. However, they had heard nothing further from him or the family. The youth had not been in contact with our office either so the Investigator later followed up with a telephone call. As the youth was not home, she spoke to the boy's mother. The mother confirmed that her son had returned home, was attending school on a regular basis and abiding by the family rules. She felt that things were going quite well and that no further assistance was required from the agency or our office.

It is my opinion that the extra effort and review of the situation by the agency, following contact from our office, helped to facilitate the boy's return home.

88-110-82 **Manitoba Attorney General**

Monitoring of youth correctional facility program.

One of the responsibilities of the Investigator (Children's Concerns) is to monitor provincial agencies and institutions that deal with children. This includes youth correctional facilities.

Over the past year the Investigator had occasion to be involved with the Agassiz Youth Centre, which is located in Portage la Prairie, Manitoba. During the course of the review of specific issues brought to our attention, the Investigator also toured the facility. A number of general issues were identified with respect to the Agassiz Youth Centre which I felt needed to be addressed. As a result, I opened a file under the Ombudsman's Own Initiative and a report was presented to the Corrections Division of the Department of the Attorney General identifying the areas we felt required attention. A response was requested from the Department regarding the issues raised. The following is a summary of the areas identified:

1. **Program Issues**

   Agassiz Youth Centre is designated as an open and secure custody facility for youths who have been sentenced under The Young Offenders Act. In the 1970's the Positive Peer Culture group program was implemented. The Manitoba Corrections Handbook describes the Positive Peer Culture (PPC) program as follows:

"Positive Peer Culture is central to all programs and activities at Agassiz Youth Centre. Through Positive Peer Culture, the custody element is provided at the institution, as there is minimum physical security.

Recognized as a program for helping young offenders, the goal of Positive Peer Culture is to replace negative, destructive values with positive, caring values. This is accomplished by having residents in groups of ten experience intensive caring interaction under the supervision of trained staff. Interaction occurs at any time, but the prime period is during 'the group meeting'. A group meeting is held five times per week, lasting 1+ hours. The meetings focus on problems the offender needs to resolve before being eligible for discharge. In the program residents live, work and play together with positive guidance."

Obviously, the above provides only a brief overview of the stated goals and objectives of the Positive Peer Culture program. It would be impossible for us to go into all the details with respect to the implementation of PPC. However, prior to submitting our report to the Department, the Investigator had reviewed some of the available literature on PPC.

Based upon the information we received, we did question whether or not this one program was appropriate to meet the needs of all the residents who were admitted to Agassiz. In particular it was noted that, because Agassiz must accept referrals from the court system, the Centre had no control over their admissions to determine whether or not the PPC program was really suited to each individual taking into consideration such factors as age, intellectual and emotional level of functioning.

For example, information received suggested that PPC seemed to be more geared to adolescent peer systems. However, Agassiz deals with a mixture of young adolescents and young adults. At the time of our inquiry approximately 30% of the population was reported to be 18 years or over. In considering the divergent social, intellectual, psychological, cultural and educational backgrounds the residents at Agassiz come from, it raised the question for us as to whether this one program was appropriate to meet the needs of all the residents admitted.

In addition, the literature on Agassiz indicated that the optimum size of a PPC group was 9 members to 1 group leader. The information we received was that the average size of groups at Agassiz was approximately a 13:1 to 15:1 ratio.

We were unaware of any recent program reviews done at Agassiz to determine the effectiveness and quality of program being delivered. We felt that a review might be of benefit to both staff and residents to ensure that the current procedures were consistent with the philosophy and intent of PPC to deliver a quality standard of service. We felt it might be time to reassess whether or not it was the most effective program and whether it was serving the needs of the residents detained at Agassiz or if it needed to be augmented by other programs. We also felt that a review should include a look at the use of quiet rooms and containment of residents at Agassiz.

2. **Forensic Services**

It was also our understanding that Agassiz did not have access to psychiatric or psychological services on a regular basis for their residents. It seemed that if the staff at Agassiz did not have the training and skills to deal specifically with youth who may have psychiatric problems, and if the psychiatric problems prevented them from engaging in and benefitting from the Positive Peer Culture program, then it was going to create serious management problems for the staff. As well, one might expect these residents to become very disruptive for the program and divert the staff and the group energy into dealing with that individual, thereby reducing the effectiveness of the program. The physical location of Agassiz, in Portage la Prairie, also seemed to make the services less accessible.

However, we were aware that the Community and Youth Correctional Services Branch was involved in meetings with the Child and Adolescent Mental Health Services and Children's Forensic Services regarding youth psychiatric needs. As it appeared this matter was already under consideration by the Department, we simply requested clarification with respect to the forensic services available to youth in the correctional system.

3. **Education Program**

The education program at Agassiz is provided by certified teachers and based on the Manitoba Education curriculum standards. The funding comes directly from the government department responsible for Agassiz Youth Centre, i.e. the Department of the Attorney General, and the school is not affiliated with the local school division. Therefore, it certainly appeared that Agassiz

would be operating on a much lower budget than a public school.

A tour of the classrooms at Agassiz indicated that resources and teaching aids available to the teachers and residents were not comparable to what one might expect to see in a public school.

Many of the youth going through the correctional system have not had stable, consistent educational experiences and many do have special educational needs. We felt it was extremely important that the youth in provincial institutions and correctional facilities be afforded equal educational opportunities and access to the same resources and funding as those in the public school system. We were in no way suggesting that there are not competent qualified teachers at Agassiz. Rather, we were looking at the resources and capability to meet the special needs of some of the students.

It was our opinion that a review would be beneficial to determine whether or not the educational services and resources at the Agassiz Youth Centre were equivalent to what the residents might receive in a public school.

4. **Physical Environment**

It was our opinion that the physical facilities at Agassiz required upgrading and maintenance. The furnishings and general environment did not appear to compare favorably with some of the other institutions, that we have toured, which house adolescents.

We also felt that it might be beneficial to have the Fire Commissioner's Office tour the Agassiz Youth Centre to ensure that the required safety regulations were being met. Comments regarding the physical environment were provided to the Department suggesting that upgrading and maintenance of the living areas needed attention.

We submitted a report to the Department of Corrections with our comments on the above areas. We received what I felt to be a positive response from the then Acting Deputy Minister of Corrections. He indicated he had reviewed and discussed the report on Agassiz Youth Centre with Senior Community Youth Corrections Officials as well as the management team at Agassiz. The following is a summary of the information they provided regarding the areas we had identified:

1. **Program Issues**

We were informed that the Department recognized the ongoing need to review and update the program at Agassiz, particularly as they were seeing older, young offenders sentenced to the Centre, many for short periods of time. To assist in the review and for the development of custody programs at Agassiz, senior staff were being sent to the Annual National Association of Peer Group Agencies Conference in Duluth, Minnesota in the fall of 1988.

It was also reported that Agassiz Youth Centre is one of the few Youth Correctional Institutions in Canada which operates without physical barriers. It was stated that the Positive Peer Culture program had in the past provided a framework around which a successful custody program operated. It was felt that if they were to alter the custody program from a group to an individualized approach, they would have to introduce physical barriers such as locks, bars and barbed wire fences common to most correctional institutions. We were also informed that staff at Agassiz had attempted to supplement the Positive Peer Program with programs such as a sex offender group, substance abuse group, northern native group, as well as ensuring individual opportunities for psychiatric appointments and treatment. As well, they were extending the assessment and classification process in place for the open custody program to youth in secure custody. It was felt this process would assist in the handling of youth with special needs and provide staff with a support and resource for managing difficult cases.

We were further informed that they were reviewing, clarifying and formalizing their policies and procedures on the use of the quiet room. Monitoring procedures were being implemented to ensure that outlined policies and procedures were followed. We were advised that the question of what are appropriate safety and security standards within youth institutions would be addressed/reviewed further and guidelines clarified.

2. **Forensic Services**

It was reported that the issue of forensic services for youth in correctional facilities was a system wide problem that the division had been concerned about for some time. It was reported that positive meetings had been held with Mental Health officials and the Director of Child & Adolescent Mental Health Services to work towards improvement and an expansion of services. It was also reported that youth at Agassiz have access to the services of the psychologist/psychiatrist at the Manitoba Youth Centre, either through transporting of youth to the

Manitoba Youth Centre for appointments or having the psychologist/psychiatrist visit Agassiz. In some cases secure custody youth remain at the Manitoba Youth Centre secure unit to take advantage of having the resources in closer proximity.

3. **Education System**

   The Department advised that the educational programs at Agassiz were fully reviewed in December 1987. Based on the study and their reviews with teachers in community schools, they believed that the education program was meeting the needs of Agassiz youth and that they were receiving a level of education equivalent to that of community schools.

   They did concur that the education resources available at Agassiz are limited by budget. It was stated that they would like to make more resources and equipment available and would be reviewing the matter in detail as the 1989/90 budget was being developed. Given the resources, the Department wanted to undertake a more complete review of any educational programs to ensure that the youth did receive the best possible educational input during the time they spend in the custody facilities.

4. **Physical Structure and Fire Safety**

   This was recognized as a problem area and we were informed that submission had been made to Government Services to have the facility inspected by the Fire Commissioner and assessed for upgrading.

I appreciated the cooperative attitude displayed by the Department in response to our report. Our file on this matter has not been concluded and we will continue to monitor the developments and progress made in the above noted areas.

88-140-70 Manitoba Community Services

Personal property in Correctional Institutions.

Over the years our office has been involved in complaints which have arisen regarding the loss of inmate property in both the youth and adult correctional institutions. At times property has reportedly gone missing within the various institutions as well as when property has been transferred between institutions. Incidents have also occurred where restitution has been made by the Department because it had not been possible for the institution to either dispute or support the claim.

In 1988 we dealt with some specific incidents regarding the loss or transfer of property involving the Agassiz Youth Centre, the Manitoba Youth Centre, the Headingley Correctional Institution and the Provincial Remand Centre. While we dealt with these cases on an individual basis, we also felt that it would be appropriate for the Corrections Division to do an overall review of the current practices and procedures with respect to inmate/resident property in both the adult and juvenile correctional facilities. We felt that as far as possible, there should be consistency between the institutions with respect to the recording, transferring and notifying the resident/inmate of the property being held for him/her. Our reviews of individual cases had indicated that there might be some discrepancies in this regard.

It also appeared that there might be different standards in place with respect to what property would be accepted and received by a Provincial institution. We recognized that storage areas can be a problem in some of the institutions and that consideration might have to be given as to what property would be accepted for safekeeping during the inmate's/resident's stay. It seemed that in some of the institutions the actual physical control of the clothing/property areas needed to be reviewed to ensure that access to the property was safeguarded as far as possible. We also felt the review should include the handling of monetary property, ie. cash, cheques, money orders, bank drafts, etc, which might be sent to the institution by relatives or friends of inmates or residents. We felt that there should be a policy to ensure consistency with respect to how concerns about lost or missing property were dealt with by the various institutions. For example, were these handled as insurance matters or otherwise?

I communicated our concerns in this area to the Acting Assistant Deputy Minister of Corrections for comment and requesting that the current procedures be reviewed to determine whether some improvements could be made.

In response to my letter, I was subsequently advised by the Acting Assistant Deputy Minister that the division had reexamined practices at both the youth and adult institutions with a view to tightening procedures and ensuring greater consistency. Draft policy had been sent to the superintendents for review and as interim guidelines. A copy was also provided to our office and the Acting Assistant Deputy Minister indicated he would be pleased to receive our comments or suggestions on the policy draft.

After reviewing the draft policy we offered some brief comments to the Department for their consideration when finalizing the policy. Overall, it was our opin-

ion that the policy would address many of the issues which had come to our attention over the years. We were later provided with a copy of the approved policy for the Corrections Division with respect to offender property. We were informed that the earlier draft had been revised to incorporate our suggestions as well as those from the Department's solicitor and superintendents of the adult and youth institutions.

We appreciated the cooperation received from the Department in this matter and I feel that the new policy should assist in ensuring reasonable consistency between the institutions and hopefully resolve many of the problems that have been brought to our attention. We will of course continue to monitor this through the review of any individual complaints should they come to our attention.

88-140-102 Manitoba Community Services

Concerns re apprehension and placement of infant.

As well as receiving written complaints, our office is open to the public and frequently people will drop by to discuss their concerns.

In the spring of 1988 a young mother attended our office accompanied by an older woman whom she described as her "foster mother". They reported that the younger woman's six month old child had been apprehended by Child and Family Services. At the time of the apprehension the baby had been staying with the older woman.

This was the young woman's second child. Her first child had been previously apprehended by Child and Family Services and had died of natural causes while in foster care. The young woman and her "foster mother" were very concerned that something might also happen to the second child. In addition, they reported that the young woman was seeing someone who was a psychologist. However, she seemed confused as to what the role of the psychologist was and why the interviews were necessary. They felt the child should be back in their own care.

The complainants' concerns were noted and contact was made directly with the agency to advise them of the contact with our office and obtain clarification regarding the situation. The Investigator (Children's Concerns) spoke to the Supervisor of the unit involved.

The agency advised that the mother of the child had herself been a permanent ward until she turned 18 years of age. There were some intellectual limitations on the mother's part and they had some concerns regarding her ability to parent. The Supervisor confirmed that the first child had died while in foster care but there were no suspicious or unusual circumstances. The agency had discussed this with the young mother and was prepared to go over the autopsy reports; however, she was having difficulty accepting the child's death. The agency felt that there were some unresolved issues for the mother in this regard.

The older woman had been acting as a strong advocate for the young mother. When the second child had been apprehended, they had temporarily placed the baby with this woman. However, when they did a review regarding her suitability as a foster parent to the child, they did have some concern regarding the older woman's own mental health status and they did not feel they could place the baby there. As a result the child was removed and placed in a licensed foster home.

The young mother had been referred for an assessment to the psychologist so that they could get a better assessment regarding her parenting skills in order to develop an appropriate plan.

The agency was satisfied that the baby was receiving appropriate care in the current foster placement. The Supervisor advised that mom's complaints related to issues such as the baby getting apple juice instead of milk.

Based upon the information received, it appeared that the agency had some legitimate concerns regarding the young mother's ability to function given the previous history and involvement with her. The agency was prepared to again discuss with the mother the reason that she was seeing the psychologist. Given that the agency was in the process of obtaining an assessment of the mother's strengths and abilities, as well as areas where she may need support, it did not appear that further action was required by our office. The mother had also raised an issue concerning the time of her scheduled appointments to visit the child and the agency was prepared to review this with her.

Our Investigator contacted the mother and informed her that inquiries had been made with the agency but we were unable to determine that their decisions were wrong or unreasonable. It was suggested that she contact her worker to discuss the purpose for the assessment with the psychologist, as well as the visiting arrangements. It was also explained to her that the issue of guardianship would have to be determined by the Court and there did not appear to be any further assistance our office could provide.

Our file was kept open until the Court date had passed. When nothing further was heard from the mother our file was concluded.

88-140-121 Manitoba Community Services

Lack of assistance from Child and Family Services agency.

The Investigator (Children's Concerns) received a telephone call from a very distraught grandmother. She reported that her daughter had four children ranging in age from three to ten years. She advised that her daughter was being evicted at the end of the month from the residence where she and the children were living. As a result, she had told her mother that she would be giving up responsibility for the children at the end of the month. The grandmother, who was in her mid-forties, was prepared to look after her grandchildren. In fact, she reported that she was already looking after meals for the children. There was also a brother-in-law who lived in the home with her daughter and also provided care for the kids.

While the grandmother was prepared to take the children in at the end of the month, she stated that she had a full-time job working out of her own home, but she did not make enough income to raise the children. As a result, she and her daughter had gone down to the local Child and Family Services agency and discussed the situation with them. They had hoped that the grandmother could be paid to provide foster care for the children. However, she reported that the worker had advised her that they would not pay her as a foster parent and that she would have to apply to the Provincial Social Allowances Program to obtain financial assistance for the children. The grandmother felt this was entirely unfair, stating that if her daughter "abandoned" the children at the end of the month and the agency had to get involved, they would probably look to her as a resource in any event. From her perspective, she felt she was trying to help the agency by averting an emergency situation at the end of the month. It was not clear that the grandmother really understood the implication of the agency getting involved in a formal sense and apprehending. She seemed to believe that if the agency did apprehend the children they would simply be placed with her and she would then receive financial assistance for providing foster care.

The grandmother had presented a disturbing picture of her daughter's life style, living conditions for the children, and with respect to the care they were receiving from their mother. She reported her daughter was a "junkie" (drug addict) with little commitment to the children. The Investigator advised the grandmother that she would contact the agency to obtain information with respect to the issue around considering her as a foster resource. However, in listening to the description of the grandchildren's situation, the Investigator advised the grandmother that she would raise the issue around the care the children were currently receiving from their mother.

The agency was contacted immediately by telephone. The Supervisor confirmed that the grandmother and her daughter had come into the office and their understanding was that the daughter was going into a treatment program for her addiction problem. Their assessment was that there were no protection issues. They had informed her that she might qualify for assistance under the Social Allowances Program. They appeared to have some question as to whether the motivating factor was financial, rather than an issue around the care the children were receiving.

I could appreciate the agency's perspective on the matter; nevertheless, regardless of what might be motivating the family, our question to the agency was whether a further assessment of the children's living situation was required, given the kind of comments the grandmother had made about the children's care. In discussion with the Supervisor, he agreed that the situation should be checked out further and a home visit made. If it was felt the children were in need of protection, the agency would have to take the appropriate action.

The Investigator was unable to reach the grandmother until the next day. She then informed her that further assessment would be carried out by the agency. Although the grandmother was still questioning her daughter's commitment to the children, she did indicate that she felt between herself and the brother-in-law, the children were receiving adequate care. She also stated that she had thought further about the situation since her initial contact with our office and she would be taking the children into her care regardless of whether she had to apply to Social Allowances or not. Grandmother then questioned the right of the agency to go out to the home and review the situation with the children, even though she still maintained her earlier comments. It was explained to her that we felt it was reasonable for the agency to do so, given the comments she had made regarding the children's situation. The grandmother was advised she could contact our office again if she felt she had any further problems.

Our office followed up with the Child and Family Services agency a short time later. It was confirmed that a home visit had been made. The agency's assessment was that the children were not at risk and they were receiving adequate care. It was confirmed the brother-in-law was available as a resource for the children. As the grandmother did not contact our office further to indicate there were any ongoing problems and given the fact that the agency had gone out and assessed the situation and made the determination that there were no protection issues for the children, we concluded our file on this matter.

Other Cases

88-100-1

Manitoba Agriculture (Manitoba Agricultural Credit Corporation)

Complaining that Manitoba Agricultural Credit Corporation has not released its claim on their life insurance policies.

In January 1988, our complainants contacted our office with concerns related to the Manitoba Agricultural Credit Corporation. They requested assistance in obtaining a release from the Corporation of the assignment of two of their life insurance policies.

Our complainants provided copies of two letters written in February and April 1985, from their lawyer to the Corporation to obtain a release. They indicated their lawyer had not received a response to his letters.

Our office spoke with our complainants' lawyer and he advised that in his last communication to the Corporation of April 1985, he requested a letter of authorization relinquishing the Corporation's rights as beneficiary under our complainants' insurance policies. The lawyer advised he did not receive either verbal or written communication from the Corporation, nor did he recall releasing the trust conditions which were set out in his February 1985 letter to the Corporation.

Our office made inquiries with the Corporation and we received a letter from the Corporation's legal counsel. The legal counsel advised there was never any intention to withhold release of the Corporation's interest in our complainants' life insurance policies.

He indicated the Corporation did not obtain title to our complainants' land until February 1986. At this time, the Corporation was in a position to provide our complainants' lawyer with the requested release from liability under the mortgage, and release of interests in their life insurance policies. The legal counsel stated however, that at this point, the Corporation inadvertently put our complainants' file away without replying to their lawyer.

In his letter to our office, the legal counsel enclosed a complete and executed release of the Corporation's interest in one of our complainants' life insurance policies. We were advised it would be our complainants' responsibility to forward the release of interest to the life insurance company. The legal counsel further indicated the Corporation only had record of the assignment of one policy and not the two life insurance policies to which our complainants had referred.

Our office supplied this information to our complainants and they advised their records confirmed two life insurance policies had been assigned to the Corporation. Our complainants provided our office with the premium notices for these two policies. This information was provided to the legal counsel. He further reviewed the Corporation's files and indicated the Corporation had a carbon copy of an unacknowledged assignment to the Corporation of an additional life insurance policy. The Corporation did not have a copy of the policy nor did they have an acknowledgement from the life insurance company of the assignment of the policy. However, the legal counsel indicated the Corporation would assume this policy had been assigned to the Corporation. Accordingly, the legal counsel provided a release of the Corporation's interest in the policy. Our complainants were advised of this information. In August 1988, our complainants confirmed the life insurance company had accepted the releases from the Corporation.

At this point, the matter appeared to be resolved between our complainants and the Corporation. However, our office had some concerns regarding what had transpired in our complainants' case. In particular, we were concerned that their file had been inadvertently put away. In addition, we were concerned the Corporation did not have complete information about the assignment of the two insurance policies which our complainants had advised had been assigned to the Corporation.

Our office referred these concerns to the General Manager of the Corporation. We asked him to review our complainants' case with a view to identifying any steps which might be taken to prevent a recurrence of the type of problem our complainants had experienced.

The General Manager indicated that usually when the Corporation obtains title to land, the Corporation will provide releases for assigned life insurance policies. However, in our complainants' case, they did not receive releases for the following two reasons:

1. According to the General Manager, the long period of time between the date of the Corporation's final letter to our complainants' lawyer and the date title to our complainants' land was obtained, caused their file to be closed based on the assumption that all matters had been completed.
2. When the assignments of insurance were first received, the Corporation did not place them in the vault containing the Corporation's legal

documentation but instead placed them in the office file; as a result the Corporation lost track of the assignments of the insurance policies.

The General Manager also provided information about the steps the Corporation took to prevent this type of situation from occurring in the future. The Insurance Department was instructed that in every case where a borrower assigns existing life insurance to the Corporation, and the duly acknowledged assignment is received by the Corporation, it will be placed in a loan pocket located in the vault. In this way, the Corporation advised the assignment would be filed with all other legal documents pertaining to the loan. The General Manager indicated this would insure that when the Corporation's loans were paid out or when the Corporation took title to a borrower's land, the Corporation's interest in the borrower's life insurance would be released at the same time.

Our office felt the Corporation had reviewed our complainants' case and had taken steps to prevent, in the future, the problems which had occurred. At this point, we closed our file on this matter.

88-100-5 **Manitoba Agriculture**

Complainant feels Department has given unfair response to his request for exoneration from contractual obligations.

Our office received a complaint from a person who had entered into an agreement with the Manitoba Beef Commission under the Manitoba Beef Stabilization and Marketing Plan. Our complainant advised that he was unable to perform his contractual obligations under the agreement because of illness and felt it was unfair that the Commission would not release him without financial penalty. He indicated that there was a "compassion clause" under the agreement that could allow for this.

Under the Manitoba Beef Stabilization and Marketing Plan, a producer may terminate his or her contract with the Commission at any time subject to certain terms and conditions for repaying monies received. In addition, there is a clause which states:

> "Compassionate and other special circumstances shall be determined by the Commission"

One of my Investigators sought and reviewed further information from the Manitoba Beef Commission, including the agreement, the complainant's application and a report on his participation in the Plan. In reviewing and considering the matter, it was determined that the Commission had not acted wrongly or unreasonably in not applying the "compassion clause" in this particular matter. However, our review caused our office to ask questions with respect to the inclusion of the "compassion clause" in the agreement and its implementation over time.

In the course of our review, we were advised by an Officer of the Commission that since the Plan was introduced in 1982, approximately 4,800 contracts, like our complainant's, had been signed and approximately 1,000 of these had been terminated. We were further advised that, as of May 1988, only one contract had been terminated free from payback, although "there had been 'a great number of sad situations in the intervening years' ". We were told that this one termination had occurred in December 1983, before a ruling was defined. In June 1984, the Commission's Board of Directors passed a motion establishing a procedure to handle all requests for termination of the agreement for compassionate reasons or based on other special circumstances. The written guideline for implementing the clause stated simply:

> "The primary criteria for considering and approving such a request for termination of the contract shall be based upon circumstances where enforcement of [the repayment] clauses . . . would cause financial hardship".

We were advised that the basis for this approach was the belief that the termination clause in the contract was generous and that most, if not all, participants received a benefit, based on the degree and length of participation in the Plan.

The issues raised here were why the "compassion clause" was introduced to the agreement and, if it proved to be inappropriate over time, why it had not been deleted or amended. It was our concern that the producer, not aware of the history of the clause, would see that there was a provision in the agreement providing that "compassionate" circumstances and "other special circumstances" shall be considered, over and above the usual provisions for terminating the contract. Further, it was our concern that the broad wording of the clause would suggest that there was potentially more than one primary basis for implementing this clause. As a result, we again contacted the Commission and noted that if, under this clause, the Commission was only considering financial hardship, perhaps the agreement and resolution should be amended to clearly indicate this. We requested the Commission's comments on this point.

We were advised by an Officer of the Commission that the Commission had no disagreement with our assessment of the "compassion clause" and its

administration. We were further advised that during much of 1987, a study had been underway to identify and recommend changes to the governing regulation that would clarify a number of these issues. One of the recommendations was the removal of any reference to a compassionate discharge of the termination payback requirement. We were advised that the Commission hoped that these changes would be made prior to the end of 1988. Since then, we understand that the Department of Agriculture has accepted the recommendation of the majority of Manitoba farm organizations, and cattle producers to wind down the Manitoba Beef plan. Accordingly, change to the regulation has become unnecessary.

88-110-59 **Manitoba Attorney General**

Complainant alleges he has been waiting for two years to receive a land title.

An individual complained to our office that the Winnipeg Land Titles Office had not issued him a title for certain property. He said this property had been the subject of a Court proceeding and the land was to be transferred to him. He advised the transfer of land had been executed and he filed it in the Winnipeg Land Titles Office. However, he said, after some two years he did not have title in his name.

One of our investigators made inquiries at the Winnipeg Land Titles Office. Our office was advised by the Acting District Registrar that he recalled talking to the complainant "some time ago" at which time he discovered documentation concerning this property had been registered. He further advised that he told the complainant that the documentation was rejected but he could not tell him why because the Winnipeg Land Titles Office did not keep reasons for rejection.

The Acting District Registrar stated that, at the time, he looked into the Office's records and discovered the documentation and fee refund were returned to the individual (not our complainant) who had registered them. This, he said, is the practice of the office. He further stated that the complainant had informed him that that particular individual was no longer available and had moved out of town. He said that he had informed the complainant his office could do nothing further without the documentation.

We advised our complainant of this information. He stated that he personally filed the documentation in question. However, it is noted he later advised that, because of poor health around the time of the registration, he required the assistance of friends from time to time. He also stated that the person identified by the Winnipeg Land Titles Office as the registrant was known to him but denied that that person had registered his documents. We again contacted the Land Titles Office and requested any documentary information, including any records of payment or refund, respecting this particular transaction.

In response, we were provided with copies of documentation which indicated that a transfer of land concerning the property was registered at the Winnipeg Land Titles Office on a particular date in 1986. However, the records indicate that the documentation was rejected. The records showed as the registrant the person known to the complainant and that the documentation and a refund cheque for $33.00 were returned to that individual by mail three days after registration. It was again explained by the Land Titles Office that as that person had registered the documentation, the office had to return this and the refund cheque to him. It was also noted that the registrant's address would have been obtained at the time of registration. However, the office's records did not indicate what the address was since this was supplied on the documents and the office no longer had them.

Our Investigator made further inquiries respecting the Land Titles Office rejection records. We were advised that it was the former practice of the Land Titles Office to not keep records of reasons for rejection. It was stated this was because, quite often, new documents would be presented on registration or the old ones would be so altered as to hide the fact they were ever registered before, or they would not be re-registered for years or at all for that matter. We were advised that, therefore, it was not feasible to devise such a system. However, we were informed, with the advent of computers at the Land Titles Office in the spring of 1988 and the introduction of the Registration Details Application Form, the practice has changed. We were advised that if documentation is rejected, the reasons for rejection are written on the form and each form is microfilmed before being returned to the registrant. It was also noted that even prior to the present system, reasons for rejection were always written on the rejected documents.

It was apparent that it could not be conclusively determined what took place at the time of the registration of the complainant's documentation. I was therefore unable to conclude that the Land Titles Office had acted improperly in its involvement in this matter. Accordingly, there was no basis on which I could make a recommendation. I would add, however, I was satisfied that if the same circumstances presented themselves today, the complainant

would be able to determine the reason for document rejection and would even be able to obtain a copy of the failed documentation by virtue of new procedures at the Winnipeg Land Titles Office.

This notwithstanding, the complainant still did not have title in his name and so my office attempted to facilitate him in resolving this outstanding matter. As the complainant's problem could not be resolved without his locating the transfer of land or, alternatively, obtaining a new properly registerable transfer of land, I advised the complainant that we could talk to the lawyers who had prepared the transfer documentation to see what could be done. He indicated that he was in support of this suggestion.

The lawyers who had prepared the documentation had, at the Court proceedings, represented the person in whose name the land title then stood and, unchanged, continued to stand. Our Investigator contacted the firm, and advised of the complainant's problem. She asked if that firm might have information concerning the whereabouts of the transfer of land or whether the firm would be willing to provide the complainant with a new registerable transfer of land further to the Court Order.

The firm responded by saying that it did not have the original transfer of land. However, it stated that it would be pleased to help complete the matter by drafting new documentation so long as its client would again sign the documentation. The firm stated that it would not charge for its legal services.

Our office also contacted the Winnipeg Land Titles Office. The Deputy District Registrar advised that if new documentation were prepared, he would personally receive and examine the documentation. In a later conversation, the Registrar General of the Land Titles System said that she would be prepared to waive the $30.00 registration fee.

However, when our Investigator contacted the complainant about the willingness of the law firm to assist him with his transfer of land, it was clear that he did not wish to engage this help. As our office could be of no further assistance, we closed the complainant's file.

88-110-106 **Manitoba Attorney General**

Review of Allowance Policy for inmates who are forensic patients.

A remand inmate from Portage Correctional Institution contacted my office from the psychiatric ward at the Health Sciences Centre. The inmate was being held on a Court Order remanding her for psychiatric observation. She advised that she had received a bi-weekly allowance for incidentals while at Portage Correctional Institution but that on being admitted to the Health Sciences Centre, she no longer was receiving the bi-weekly allowance from the Portage Correctional Institution. As such, she did not have funds to purchase necessary personal items not supplied by the hospital.

Inquiries were made with the Acting Associate Director of Adult Corrections with regard to the allowance policy for inmates who are forensic patients. He indicated he would look into the matter as a result of our inquiry on the inmate's behalf.

Inquiries were made and it was found that there were differing practices among the different Institutions with regard to this issue. The Acting Associate Director advised the matter would be dealt with at the next meeting of the Superintendents of Provincial Correctional Institutions. In the meantime, the inmate who had contacted my office would receive funds back issued to the time she was placed at the Health Sciences Centre.

We were later informed by the Acting Associate Director of Adult Corrections that inmates who are forensic patients and inmates on general hospital wards would be receiving an allowance for incidentals while hospitalized. He also advised that our office would be supplied with the policy, once it was formulated.

At the time of writing this report, further inquiries were made with the Acting Associate Director of Adult Corrections. He advised that all the Superintendents are aware of the Department's policy with regard to allowances for inmates who are forensic patients and inmates on general hospital wards, and he further advised that these inmate's needs are being met on a case by case basis at the present time. He advised that the Department is now reviewing the larger issue — the indigent inmate allowance policy, and advised that our office would be supplied a copy of the policy in its entirety when completed.

87-140-95
87-140-147 **Manitoba Attorney General**

Questions adequacy of safe custody at Remand Centre following death of brother.

The Office of the Ombudsman has undertaken the responsibility of monitoring inquests that involve provincial government departments, agencies or institutions. An inquest can be ordered into the death of any person whose circumstances of death brings that case within the jurisdiction of The Fatality Inquiry

Act. The purpose of an inquest is to allow recommendations to be made from the circumstances surrounding a death. These recommendations will contribute to the safety and benefit of others. An inquest can also be ordered to determine intent, fault, safety violations, to absolve someone or a company or institution, to make a public record, to clear the air, or to satisfy public demand.

In July, 1987 our office was contacted by an individual who was concerned about the adequacy of the provisions at the Provincial Remand Centre for holding in custody persons with medical problems. This individual brought his concerns to our office as a result of the death of his brother who died while being held in custody at the Provincial Remand Centre. At that time, we were aware that an inquest had been called with respect to this death, and therefore rather than duplicating effort by investigating the complainant's concerns directly, submitted to the Chief Judge of the Provincial Judges Court our questions relating to the process which was followed in our complainant's brother's case and asked that our concerns be dealt with at the inquest.

The inquest was held and the presiding Judge indicated in his report that there was no culpable negligence or unlawful act committed by any of the staff at the Provincial Remand Centre or by anyone else. However, the Judge indicated that a major concern had arisen as a result of the lack of proper medical facilities at the Provincial Remand Centre. He therefore, recommended that consideration be given to establishing a medical observation unit in the existing Centre as well as in any future Remand Centre.

Our office made inquiries with the Department to obtain information about the Department's plans to address the Judge's recommendations. The Department advised that specific measures had been taken to provide a high level of supervision for inmates with medical problems. The Department also advised they had reviewed the feasibility of establishing a medical observation unit and felt the present space at the Provincial Remand Centre was severely limited to the extent that any modification would create problems in other areas.

We again corresponded with the Department and advised that while we could appreciate modifications might cause some inconvenience, we felt one had to weigh the potential inconvenience against the possibility of unnecessary death which could result from not having a medical observation unit. We also requested specific information on the measures which had been taken so that our office would be in a position to form an opinion concerning whether such measures were sufficient to offset the limitations presented by not modifying existing space to establish a medical observation unit.

The Department provided specific information and indicated that newly admitted persons would be assessed by a nurse immediately after their arrival. A nurse is on duty 24 hours a day, 7 days a week for this purpose. After a person has been identified as having a major medical problem, they would be placed alone in one of the 4th Floor holding cells. The Department advised there is almost continuous activity in this area during the day and 15 minute checks would be required outside regular daytime hours. If the person was still in custody after a day or two, he would be transferred to the medical unit at Headingley Correctional Institution.

The Department advised they also implemented a new procedure following the inquest, where color coded magnetic tags would be placed on each cell door so that staff would know why the person was being held in the area, to enable more effective monitoring and intervention. The Department indicated that a tag denoting medical observation could only be removed by a nurse and the medical staff would be required to re-assess the person's condition before the end of the shift.

Regarding the establishment of a medical observation unit, the Department indicated they were negotiating with the City of Winnipeg and the Police Department to determine if courtroom space could be utilized for Remand Centre purposes so that existing cell space could be renovated to meet the recommendations of the Judge. We were subsequently advised by the Department that Treasury Board had given approval for additional leased space for the Provincial Remand Centre and that additional renovations would be undertaken to create a distinct and separate medical unit.

At this point it appeared the Department had taken reasonable steps to address the Judge's recommendations. I note as well from recent media reports that a commitment has been made by the government to construct a new Remand Centre and the Attorney General has indicated the new facility is a priority.

Just prior to completing and submitting this report for printing we learned of an unfortunate turn of the tide with respect to the creation of a distinct and separate medical unit in the current facility. Our Investigator dealing with corrections complaints was informed by the Deputy Superintendent that just at the point when arrangements with the City of Winnipeg for additional space were about to proceed, the City advised that it needed the space and discussions were discontinued. Consequently there are now no plans to set aside space for a medical unit

and the Provincial Remand Centre remains in the same position it was in prior to the inquest and the recommendation of the Judge. I find this situation to be quite unfortunate and very disconcerting. Unless further measures are undertaken to provide space for a medical unit to provide high level of supervision for inmates with medical problems, it would appear that the only solution to this problem resides in the construction of the new Remand Centre.

Our office will be continuing to monitor this situation and other inquests which involve Provincial Government departments and agencies.

87-140-158 **Manitoba Community Services**

Inmate complaining about lost clothing.

On December 7, 1987 my office received a telephone call from an inmate at the Provincial Remand Centre. Our complainant advised that on November 19, 1987 some of his clothing had gone missing. He thought that this had taken place on the third floor of the Public Safety Building. Reference was made to a red and white checkered jacket and a blue sweater with three white stripes on the sleeve. He alleged that at a later date, he had observed another inmate wearing his clothing. He stated that he had brought this to the attention of a Correctional Officer, but that the Officer had not taken any action to determine the ownership of the clothing. On December 8, 1987 our complainant was sentenced, and transferred to the Headingley Correctional Institution.

Subsequent to receiving our complainant's concerns, a letter was sent to the Superintendent of the Provincial Remand Centre advising him of the concerns received. The Superintendent advised our office that after a search at the Provincial Remand Centre, they were unable to account for the missing items. However, it was felt that with our complainant having signed the Property Form indicating that he received all the items when he left the Provincial Remand Centre, the missing items should be at the Headingley Correctional Institution.

Initially, our complainant, advised that while he had signed the Property Form, he had not read the Property Form prior to signing. When this point was discussed with him at a later date, he stated that at the time of transfer, he had told the Correctional Officer at the Remand Centre that he did not have all his items. It was indicated that the response he received, was that he should sign the Property Form and that they would later attempt to locate the items.

The Property Form at the Headingley Correctional Institution indicated that when our complainant was admitted on December 8, 1987, he did not arrive with the same items as the Property Form indicated he had in his possession when he left the Provincial Remand Centre. The Institution was unable to account for 1 red plaid jacket, 1 white sweater, 1 blue sweat top and 1 nail clipper.

It was rather puzzling for my office how our complainant could have left the Provincial Remand Centre under close supervision, transfer to the Headingley Correctional Institution under guard, and upon arriving at his destination, not have all the items which the Provincial Remand Centre indicated he had had in his possession.

We were advised that during the transfer process, inmates are under close supervision and would not have the opportunity to dispose of personal property. Furthermore, the Headingley Correctional Institution advised our office that the bus upon arrival is checked after the inmates have disembarked. If our complainant had left the items on the bus, they would have been discovered at that time.

Our office also checked the Property Forms of the other inmates who were transferred at the same time, and on the same bus as our complainant. We were unable to conclude that our complainant had exchanged, or given any items to the other passengers on the bus.

Given the information obtained thus far, our office took the position with the Provincial Remand Centre, that file documentation supported our complainant's allegation that some of his items must have gone missing during his stay at the Provincial Remand Centre.

It was requested of the Superintendent at the Provincial Remand Centre to provide our office with an explanation on why there were discrepancies between the items listed on their Property Form and the Property Form completed when our complainant arrived at the Headingley Correctional Institution. The Superintendent advised our office that he was unable to account for the missing items, and the only solution appeared to be to compensate our complainant. We then supplied the Superintendent with an address and telephone number where our complainant could be contacted. Several days later the Superintendent advised our office that he was unable to locate our complainant at the address and telephone number provided and under these circumstances they were unable to resolve this matter.

As a follow-up, we called our complainant and advised him that the Superintendent would accept

a collect call from him in order to resolve this matter. Additionally, it was indicated to our complainant that the Superintendent would like to have an approximate dollar value of the missing items in order to resolve this matter. Our complainant then advised, that prior to his release from the Headingley Correctional Institution, he had completed a claim form indicating the value of the missing items.

In an attempt to determine if the claim had perhaps been processed, the Insurance and Risk Management Branch of the Department of Finance was contacted. My office was advised that they had not received any claim from our complainant. They were somewhat puzzled that they had not been informed by either the Provincial Remand Centre, or the Headingley Correctional Institution that a claim existed.

Upon contacting the Headingley Correctional Institution, we were advised that on January 14, 1988 our complainant had provided a letter to the Superintendent advising that his total claim was $48.73 for the lost items. However, because the items were lost at the Provincial Remand Centre, on January 18, 1988 the claim had been forwarded to the Provincial Remand Centre. In a subsequent follow-up with the Superintendent of the Provincial Remand Centre, we were advised that the information they had received from the Headingley Correctional Institution did not indicated any dollar value. At that point, we suggested that the Superintendent at the Provincial Remand Centre contact the Headingley Correctional Institution and resolve this issue relating to the value of the items. A few days later on March 4, 1988 my office received a copy of a letter which the Superintendent of the Provincial Remand Centre had sent to our complainant advising him that he was receiving a cheque in the amount of $48.73.

It was of some concern to me that an inmate's property would go missing at a time when he was not in a position to exercise any care or control over the property. Accordingly, I was pleased when the Corrections Division implemented an improved policy relating to offenders' property which is to be applied consistently in all Correctional Institutions. Hopefully, this will prevent a recurrence of a situation which is virtually impossible for an inmate to resolve without outside assistance.

87-230-4

Manitoba Environment, Workplace Safety and Health

Alleges department has acted improperly in approving sewage lagoons.

Our complainant is a resident of a small town in rural Manitoba. Her concerns related to the existence of a sewage facility on the property of an adjacent educational institution. This institution had been in existence as early as 1972 but it was only in October 1985 that the existing single cell sewage facility was registered under The Clean Environment Act.

In December 1985 the registration was advertised in the local newspapers and the Winnipeg Free Press. This advertisement invited public participation in the process where the Clean Environment Commission would by Order set limits, terms and conditions for the continued operation of the septic tanks and a sewage lagoon located on the property of the educational institution. A meeting was also held with representatives of the educational institution, representatives of the Municipality, and representatives of the Department of Health and the Department of Environment, Workplace Safety and Health. Decisions made at the meeting resulted in the Clean Environment Commission issuing an order on February 3, 1986 to the institution. The Order required the institution to expand, modify or replace the existing single cell lagoon by September 15, 1987.

We were advised by the Department that in October 1986, the educational institution filed a proposal and an engineering report to expand the existing facility to a two cell lagoon. We were advised that as the proposal was submitted to comply with the Clean Environment Commission Order of February 1986, where the limits were already prescribed, the proposal was not referred to the Commission but approved by the Department as complying with the Order.

In July 1987, construction of the expansion was commenced with the first action being the removal of the shelter belt between our complainant's property and the educational institution. Our complainant became aware of the construction of the expansion and on July 21, 1987 brought to the Department's attention a number of concerns relating to the sewage facility.

One of our complainant's main concerns related to the location of the sewage facility in relation to her property. Our complainant made the Department aware that the distance between her residence and the sewage facility had been incorrectly estimated in

the Department's 1985 Environmental Report. The distance had been incorrectly estimated as approximately 1,640 feet when in fact the distance from her residence to the facility is approximately 560 feet. Our complainant advised our office that not only had the distance been incorrectly estimated, the educational institution had built the sewage facility at that location, contrary to the design objectives for standard sewage lagoons developed by the Environment Control Services of the Department. The departmental guidelines recommend a distance of 1,000 feet between a sewage facility and individual residences. Our complainant also felt design objectives were similar to Statutory Regulations and should, therefore, be legally enforced. Our office noted that the design objectives state:

> "A lagoon or pond should be as far as practicable from habitation or any area which may be built up within a reasonable future period. Lagoons should not be located any closer than fifteen hundred (1,500) feet from any centre of population; individual residences should not be any closer than one thousand (1,000) feet. The above distances are to be measured from the centre line of the nearest dike."

We were subsequently informed that the Minister of Environment and Workplace Safety and Health requested the Clean Environment Commission hold a public hearing due to the concerns raised about the closeness of the sewage facility to our complainant's residence and the error about the distance contained in the Department's Environmental Report of December 1985.

On August 21, 1987 a hearing before the Clean Environment Commission was held. Following the hearing, the Commission issued a varied Order and indicated that prior to issuing the Order, they were mindful of the closeness of the proposed sewage lagoon to the nearby residences and also the community, contrary to the normal design objectives. The Order was varied by requiring replacement of the shelter belt and landscaping of the site. The Commission felt, although the desired objectives had not been met, the replanting of adequate tree cover and other vegetation would help to mitigate the undesirable aspects of the lagoon and would be expected to achieve the same effect as additional distance between the lagoon and its neighbors. The Commission also indicated that the odor complaint from the earlier lagoon seemed to be associated with the premature release of effluent on the ice of the river, which was also an unsafe and aesthetically displeasing practice. It was felt the new lagoon would result in noticeable improvement in water quality of the nearby river. It was also noted that any future expansion of the lagoon facilities would require a new registration and further approval.

Our office reviewed our complaint's concern that the design objectives for sewage facilities had not been followed in this case. We noted the Department advised our complainant that the design objectives are departmental guidelines and not legal standards. While our office agrees that guidelines, where reasonable, should be adhered to, our office feels the Department acknowledged the guidelines respecting the distance between our complainant's residence and the educational facility had not been met and took this factor into account when subsequent decisions about the sewage facility were made.

Our complainant also advised our office the educational facility discharged effluent from its sewage lagoon into the river on August 22, 1987. This action was in contravention of The Clean Environment Commission's Order. We noted the Department took action by formally referring the matter to the Department of the Attorney General, who declined to press charges. We were advised the decision not to press charges was made on the basis that the discharge was of a nature similar to those the Commission had routinely permitted previously for similar applicants, with no resultant prosecution, and the educational facility had no previous convictions in its history of dealing with the Department and The Clean Environment Commission. As a result of the decision of the Department of the Attorney General, the educational facility was advised no further action would be taken regarding this infraction but, this decision should in no way be taken as the Department condoning violations of the Clean Environment Commission Orders. The Department indicated they intended to continue to monitor activities at the educational facility and any violations of Orders or other environment legislation would be dealt with appropriately.

Our office noted that in December 1987, the sewage treatment lagoon at the educational facility was inspected by Department representatives. A vegetation and soil specialist indicated the shelter belt had been planted to meet the specifications stated in the Order. It was felt the shelter belt had been planted correctly and did provide an effective visual screen of the lagoon from our complainant's residence. The specialist indicated the effectiveness of the screen would only improve as the trees and shrubs grew, and the lilacs and ash were in full leaf during the summer. A fence had also been built around the entire lagoon in accordance with the Order.

We were also aware the Department took test samples of the odors from the sewage facility in March, April, and May of 1988. Our office reviewed the reports which provided information relating to how the odor sampling tests were taken. We noted the Department's conclusions were that the monitored odors from the educational institution's sewage lagoon system were lower than the Ambient Air Maximum Acceptable Level Odor Guideline for residential zone of 1.0 dilution to threshold. We were advised this is the odor intensity level that is deemed essential to provide adequate protection for soils, water, vegetation, materials, animals, visibility, personal comfort and well-being.

Following our report to our complainant in July 1988 we received further requests for review. In each case, our office felt the Department reviewed the concern and took appropriate action. It is evident the current location of the sewage facility will always be a source of irritation for our complainant. Unfortunately, the error by the Department in estimating the distance between our complainant's residence and the sewage facility was made. Notwithstanding this error, our office feels the Department has monitored the situation and taken appropriate action when specific concerns about the facility have been expressed.

88-270-8 **Manitoba Health**

Difficulties with outdoor wheelchair lift.

The complainant in this case wrote to our office in February 1988 providing the history which led up to an approximately 25 year old outdoor wheelchair lift being replaced in June 1987. The replacement lift was installed at her residence by a private supplier. In her letter, the complainant advised that since her new lift's installation she had been having a number of problems with it, and felt the wheelchair lift was unsuitable.

Prior to contacting our office, the complainant had attempted on her own to resolve the problem with regard to the newly obtained unsuitable wheelchair lift. She had contacted the Department of Health, Medical Supplies and Home Care as they had been repairing wheelchair lifts in Winnipeg since 1973. The repair service had been discontinued due to the unavailability of replacement parts and the Department of Health, Medical Supplies and Home Care in discontinuing the wheelchair repair service assisted clients in obtaining replacement lifts, where necessary, through other government departments and private agencies. They were unable to resolve our complainant's concerns.

The complainant had also contacted the Department of Employment Services and Economic Security in an attempt to resolve the problem. The Department of Employment Services and Economic Security had assumed the replacement cost of the wheelchair lift under the special needs/health provisions of The Social Allowances Act as the cost of the replacement lift would have been severe financial hardship to the complainant. They were unable to resolve our complainant's concerns.

The Department of Labour, Manitoba Labour Inspection Division had as well been contacted by the complainant as they had been involved in the initial and subsequent inspections of the complainant's replacement lift. They were unable to resolve our complainant's concerns.

Our complainant had as well been in contact with the private supplier repeatedly but had been unable to resolve the concerns. She as a result had gone so far as to contact an open line radio program with her concern. From there, she had been referred to the Canadian Standards Association who had referred her to the Consumer's Bureau of the Department of Consumer and Corporate Affairs. On explaining her plight to a Consumer's Bureau Officer she was referred to my office.

During the course of the investigation my Investigator met and corresponded with the department representatives to obtain background information. To summarize, the replacement wheelchair lift, which had been paid for by the Department of Employment Services and Economic Security, was chosen by the Department out of a number of estimates which had been supplied by the complainant. The complainant advised she felt the Department had not taken matters into consideration such as design, operation, service/maintenance policy, Canadian Standards Association approval, requirements for Department of Labour approval and her own recommendation when they accepted the lowest bidder. As well, a department representative had allegedly advised the complainant that this decision to accept the lowest bidder was a matter of policy and that the lift, once purchased, would not be the property of the Department of Employment Services and Economic Security and they would not take any responsibility for the replacement wheelchair lift's up-keep.

The replacement outdoor wheelchair lift had been installed in June 1987 and in early July 1987 it was inspected by a Manitoba Labour Inspector and not approved. The complainant contacted the Department of Employment Services and Economic Security and left a message with the Department not to pay the supplier for the lift as it had not been

approved. Nevertheless, payment was made in full to the supplier in July 1987 putting the complainant in a position where she did not have any leverage to work with in trying to correct the problems she was experiencing with the replacement wheelchair lift.

In August 1987, the supplier had allegedly made a verbal promise to our complainant to the effect that he would make her a replacement lift in four to six weeks. Eight months later, our complainant was advising my office this had not been done.

In April 1988 the Executive Director of the Social Allowances Program was contacted and was supplied with information obtained during our investigation of the complainant's concerns. He was asked to have the matter reviewed and provide our office with information with regard to the complainant's concern.

The response received was that senior staff from the Department of Health, reviewed the matter and the solution was to request that the Department of Employment Services and Economic Security authorize installation of another wheelchair lift, the one the complainant had originally recommended, which was to be supplied by the second lowest bidder. The Department of Health would dismantle and take the existing wheelchair lift for its own use. Given that the private supplier failed to respond to several requests to meet his commitment and the only recourse would be costly legal action, this arrangement was felt to be a reasonable solution by the Department.

The Department of Employment Services and Economic Security by paying the private supplier before the product was approved, had placed the complainant in a position where she was left with an unsuitable wheelchair lift and at the supplier's mercy with regard to a verbal promise. This matter was addressed by the Department of Employment Services and Economic Security in their response to my inquiries on behalf of the complainant. The Department advised that in this case, accepted procedure to withhold payment pending notification that the work met requirements, had been ignored in error, and the payment process was initiated without receiving direction from the Department of Health, Medical Supplies and Home Care Equipment. The Executive Director advised that steps have been taken to ensure in future, confirmation is received that the installation and equipment is satisfactory, and that the Labour Department's standards have been met, before the payment process is initiated.

Our complainant was contacted and advised of the results of our investigation and review. She advised she was satisfied as she would have the unsuitable wheelchair lift replaced; however, she questioned whether there was policy in place to prevent a recurrence. Our complainant was advised that during our review that issue had arisen and the Department advised steps have been taken to ensure that in future, payment would be held pending notification that requirements were met.

I was pleased with the resolution of this matter. Our file was closed with a written report to the complainant in June 1988.

88-270-34 **Manitoba Health**

Feels Manitoba Health Services Commission should pay out-of-province medical bill.

My office was contacted by an individual who advised of a situation relative to his dealings with the Manitoba Health Services Commission. It was his contention that the Manitoba Health Services Commission should pay out-of-province medical expenses for treatment provided to his wife, in Houston, Texas. The complainant and his wife are both residents of Manitoba.

Around October, 1986, the complainant's wife discovered a breast lump and was examined by her gynecologist. She was immediately referred to a surgeon at a local hospital, who, following examination, recommended surgery as a means of treating the problem. It was reported that during the surgery, a decision would be made regarding the extent of surgery needed to correct the problem.

On her return home, the patient contacted her son who is a doctor practising in the United States of America and told him about the problem. The son immediately contacted a fellow doctor in Houston, Texas, and was advised that there were new advances in the treatment of that particular type of cancer and that he had been making referrals to a particular clinic in Houston for treatment of this type of problem. As a result of this information, a decision was made to have the patient obtain treatment in Houston and immediate arrangements were made for her departure.

The patient arrived at the clinic in Houston and upon examination, the doctors confirmed the diagnosis of the Winnipeg doctors, regarding the size of the tumor and suggested radiotherapy treatment which reduced the size of the tumor and shortly thereafter, the patient underwent surgery. The surgery was successful and a year later the patient received a checkup at a local cancer clinic and "received a complete bill of health". The complainant advised that the rea-

sons for going to the clinic in Winnipeg for a checkup, was simply because the facilities in Houston, Texas, thought it to be unnecessary for the patient to fly back for checkups as these could quite easily be done in Winnipeg.

In the meantime, the complainant had submitted a bill for treatment provided for his wife, as well as other expenses, to the Manitoba Health Services Commission for reimbursement. The Manitoba Health Services Commission denied payment of this bill and requested information from the complainant as to why it was necessary for his wife to obtain treatment in Houston.

In investigating this matter, my Investigator met with the Director and the Manager of the Insurance Division of the Manitoba Health Services Commission. In addition, my office reviewed relevant documentation contained in the complainant's file, as well as the comments of the Chief Medical Assessor for the Manitoba Health Services Commission. It was noted that prior to leaving for Houston, Texas, to obtain treatment, the Chief Medical Assessor for the Manitoba Health Services Commission was contacted on the matter and he indicated that it was unlikely that the Commission would pay for anything. Based on his review of the situation, it was believed that the treatment received was "elective" and as a result, the Commission had rejected the claim for all expenses incurred.

In explaining the basis by which the Commission rejected the claim, the Director advised that the Manitoba Health Services Commission is prevented by legislation from making a payment regarding the elective treatment received in Houston, Texas, and referred to Schedule J of the Manitoba Regulations 115/85.

My office reviewed Schedule J of the Manitoba Regulations 115/85 and noted that Section 5 clearly states that "all services related to elective care and treatment received outside Canada except where the insured person has obtained the approval of the Commission" are not insured services.

The patient's doctor in Winnipeg provided information to the Health Services Commission, indicating that the treatment suggested by the clinic in Houston, Texas, was not well known in Winnipeg and apparently, surgical opinions are divided on this procedure.

With respect to the opinion of the patient's physician in Winnipeg, the Director of the Manitoba Health Services Commission stated that treatment for the problem experienced by the patient, is provided in Winnipeg and has been utilized for a number of years. The Director advised further that a second opinion should have been obtained prior to making a decision to go to Houston, Texas, for treatment. In any event, according to the Director, should confirmation be obtained by contacting other doctors that treatment is not available in Manitoba, permission would first have to be obtained from the Manitoba Health Services Commission, prior to taking it upon oneself to obtain the services at a facility outside of Canada. Nevertheless, the Commission was firm in its opinion that the treatment provided in Houston, Texas, could have been provided in Manitoba.

Having reviewed this matter in detail, it was my opinion that the Manitoba Health Services Commission was barred by legislation from paying for expenses incurred as a result of elective treatment obtained outside of Canada. While I sympathized with the situation faced by the complainant, in light of the restrictions placed on the Commission by virtue of the legislation, it was my finding that the position taken by the Manitoba Health Services Commission was not clearly wrong or unreasonable. As a result, I was without any grounds to make a recommendation on behalf of the complainant.

During the course of reviewing the matter, however, my office inquired as to whether or not the Commission could extend ex-gratia consideration to the complainant, with respect to the expenses incurred in Houston, Texas, for treatment to his wife. In response, the Director of the Manitoba Heath Services Commission indicated that in view of the fact that the Commission is barred by legislation from making such a payment, they would not be in a position to extend any form of ex-gratia consideration in this matter. The Director explained further that the Manitoba Health Services Commission provides medical facilities in the Province of Manitoba, with an operating budget which provides them with the facilities for performing services like those required by the wife of our complainant. He stated further that if Manitobans were to opt out of utilizing the medical facilities here in Manitoba and elect to go elsewhere, outside of Canada, to obtain treatment that could be provided in Manitoba, they should not expect the Commission to reimburse them for these services. It was the view of the Director that in the case where individuals elect to go elsewhere rather than utilize the services available here, they should do so at their own expense.

In concluding the matter with the complainant, we advised that the decision of the Commission, while not clearly wrong or unreasonable, did present hardship insofar as, reportedly, the insurance plan which he held with a private insurance company, would not provide any coverage until the Manitoba Health

Services Commission acknowledged some form of consideration. On the basis of this, I suggested that he present his concerns directly to the Minister of Health, to determine if any ministerial discretion could be provided. I agreed to provide the Minister of Health with a summary of our investigation results for consideration and we concluded our involvement in this matter.

87-270-107 **Manitoba Health**

Monitor Inquest.

From time to time my office engages in the monitoring of inquests as they relate to provincial governmental departments and institutions.

On being advised of an inquest, my office will generally make contact with the Office of the Chief Medical Examiner to review the relevant file material, police report, autopsy report, as well as background information on the deceased. We also review the manner by which the death occurred and if we should have any concerns surrounding the death, these concerns will be made known to the Chief Provincial Judge.

The case under review outlines the situation surrounding the death of a patient at the Brandon Mental Health Centre. The deceased appeared to be a frequent patient at the Centre and had been admitted following several attempts to commit suicide by slashing his left forearm. He also had a very long history of alcohol abuse and glue sniffing. As well, he was considered violent. He was admitted to the Institution on September 26, 1987 at which time he was considered a compulsory patient. While still a compulsory patient at the Institution, on September 30, 1987 he managed to elope from the Institution.

Following his elopement, the staff at the Institution searched the grounds and the vicinity of the Institution but were unable to locate the patient. At about the same time a report was filed with the Brandon Police Department indicating that the patient had eloped and as a result, a warrant for apprehension was issued.

On October 19, 1987 the patient's compulsory status at the Institution had expired, ie, the mandatory 21 days following admission had passed, and as a result his status was reviewed by the Institution. Following this review, on October 21, 1987 the patient was discharged in absentia from the Brandon Mental Health Centre. As a result of this decision, the outstanding warrant for apprehension of the patient was rescinded.

On October 28, 1987 a pedestrian, while walking his dog, noticed a body floating on the Assiniboine River. The pedestrian summoned the police and it was discovered that the body was a male person, later identified as the patient who had eloped from the Brandon Mental Health Centre. At the time when the body was located, it was in a semi-decomposed state. It was also noted that there was no indication of foul play and that the cause of death was considered asphyxiation, caused by drowning and possibly suicide. The exact date of death was not known but it was believed to have occurred some 10 to 14 days prior to the discovery of the body.

Following our review of the information contained in the Chief Medical Examiner's file, it was my opinion that a number of areas concerning this unfortunate incident required clarification. I made my concerns known to the Chief Provincial Judge at the time in a letter outlining the various issues.

The inquest was held on May 18, 1988 and continued on June 29, 1988. Following the inquest the presiding Judge concluded that he was satisfied that from the time of the patient's admission until his disappearance, the care and treatment provided to him (by the Institution) was above reproach.

In the opinion of the presiding Judge, the action of the administration in attempting to discharge the patient in absentia was wrong. He commented further that the patient in a regular hospital being cared for is not discharged by walking away from the hospital. In his opinion, the Judge stated that the patient's compulsory status at the Mental Health Centre continued during his absence and that the period of his detention was simply suspended during his absence.

The Judge commented further that there is no way to be able to say that had the patient not been discharged by the administration in this manner, he would have been returned or found earlier. However, in the opinion of the Judge, if he had not been so irregularly discharged and the warrant cancelled, a continued effort to locate the patient under the warrant, or by staff, may have resulted in his earlier location.

On the basis of the evidence heard, the presiding Judge set out three recommendations:

1. Both front entrances of the Centre should be equipped with panic bars and automatic buzzers which activate when the door is open;
2. Provision should be made for a more visual observation of the coming and going of patients during office hours, near to the exit doors.

By the physical layout of the areas adjacent to the exit, this is more easily accomplished at the lower exit where a staff member on duty during the day can observe patients. Perhaps a small counter or office could be placed on the main floor along the hallway leading to the main exit for this purpose.

3. Another consideration may be to install a fence around the entire grounds.

Following receipt of the Judge's recommendations on the inquest, my office wrote to the Chief Executive Officer of the Brandon Mental Health Centre and inquired about the actions, if any, contemplated by the Institution to implement the recommendations of the presiding Judge. By return correspondence, the Executive Director advised that a working group was formed to study the three recommendations of the Judge and that their report would be made available to us when completed.

Just prior to preparing this Annual Report I received information from the Executive Director of the Brandon Mental Health Centre advising that a new policy had been developed as a result of the Judge's recommendations. When considering the recommendations of the Judge, the institution emphasized that its patient treatment philosophy is primarily centred around treatment and rehabilitation as opposed to custodial function. Further, I am advised that the institution places a very high priority on the safety and security of all patients. Efforts are made to provide this care within the resources provided and balanced with the treatment plan and environment conducive to rehabilitation.

On the basis of these considerations, the institution has developed an inpatients at risk policy which will provide for either one-to-one observation or a locked ward door for all patients who are denied off-ward privileges; and accompaniment by staff (or possibly family members) for any patients who have off-ward privileges but are considered at risk for elopement or harm to themselves. The institution feels that this would eliminate the need for other secure measures such as fencing, patient security systems, video cameras, and exterior door monitors.

As the Department's position appeared to be reasonable, and appropriate consideration was given to the recommendations of the presiding Judge, I concluded my involvement in this matter.

88-280-16 **Manitoba Highways and Transportation**

Alleges Highway Traffic Board inappropriately issued permit to allow subdivision.

Our complainant and his neighbour contacted our office about the requirements which they had to meet to be able to subdivide their property. From the outset, they advised, the Department of Highways and Transportation indicated their subdivision would only be allowed if they agreed to pave the shoulders of the access onto the nearby highway. They indicated they objected to this requirement, which resulted in a hearing before the Highway Traffic Board.

After the hearing was held, our complainant phoned the Secretary of the Highway Traffic Board to inquire about the Board's decision on the paving. Our complainant indicated he was advised the Board had ruled in their favour and they would not be required to pave the shoulders of the nearby highway as a condition of their subdivision. Our complainant's co-subdivider advised he was also assured by the Board Secretary, that the Department of Highways and Transportation would not be appealing the decision on paving. A permit was subsequently issued.

Our complainant indicated that at this point, he was certain the Department of Highways and Transportation would not be initiating an appeal. Our complainant based his opinion on the fact there had been a span of six weeks from the time of the hearing to the date of the permit being issued. Based on this belief, our complainant advised he made arrangements with a surveyor to have his and his co-subdivider's land subdivided.

However, our complainant advised that two months after the survey had been completed, he received a certified letter from the Public Utilities Board, notifying him the Department of Highways and Transportation had initiated an appeal. This led to a hearing before the Public Utilities Board. At the hearing, the Highway Traffic Board permit already in our claimant's possession, was quashed and a further permit was issued by the Highway Traffic Board. This permit contained a clause making our complainant and his co-subdivider liable for the cost of paving the shoulders.

Our complainant was concerned as he felt he should have been immediately notified of the appeal as he and his co-subdivider would have discontinued the surveying. He also felt the Highway Traffic Board should not have issued the permit until the Highway Traffic Board knew for certain there would not be an appeal on the matter.

Our office made inquiries with the Highway Traffic Board and we were assured the Secretary of the Highway Traffic Board would not have told our complainant's co-subdivider, that the Department of Highways and Transportation would not be appealing the Board's decision to issue a permit. Our office could not make a determination regarding this issue as it was difficult to substantiate the actual conversation and circumstances surrounding our complainant's co-subdivider's conversation with the Secretary. As such, we advised our complainant we were unable to make a decision concerning this matter.

Our office also reviewed our complainant's concern that the Highway Traffic Board should not have issued the permit until the Board knew for certain there would not be an appeal on the matter. Our office noted Sections 21(2) and 21(3) of The Highways Protection Act, allows the traffic authority for the highway or the municipality, or the owner or lessee or other persons having an interest in the land where a permit has been issued, to appeal to the Public Utilities Board within thirty days of the date on which the permit is issued. We noted these Sections of the Act are clear in saying the permit must be issued by the Highway Traffic Board before an appeal can be initiated. As such, we advised our complainant there would be no legal basis to pursue his concern. In addition, from our review of departmental files, we noted the Department of Highways and Transportation notified the Public Utilities Board within the thirty day required time limit, of their intention to appeal. As such, the Department of Highways and Transportation acted in accordance with the Act.

Our office also reviewed the way in which an applicant is informed about the appeal to the Public Utilities Board. We were advised by the Highway Traffic Board that, if the Highway Traffic Board denies an application, the applicant is informed in writing that the applicant may appeal to the Public Utilities Board within thirty days of receipt of the letter. However, if a permit is issued, the applicant is not informed by way of letter that other interested parties can appeal the Highway Traffic Board decision to issue a permit. The Highway Traffic Board did state, however, that information on the appeal procedure is usually provided at a hearing of the Highway Traffic Board. At this point, our office felt that, whether a permit is issued or whether a permit is denied, information about the appeal procedure should be contained in both the denial letter and the letter which confirms the issuance of the permit.

We made further inquiries with the Highway Traffic Board and expressed our concerns about the notification of the appeal procedure. We reiterated that in our complainant's case, he raised concerns about the Department of Highways and Transportation's eventual appealing of the issuance of a permit.

The Highway Traffic Board responded and advised they would now be including in their Highway Traffic Board permit letters (that is the letter which is sent when a permit is issued) that The Highways Protection Act provides for an appeal to the issuance of a permit within thirty days of the date on which the permit is issued. Our office reviewed the Board's new procedure and felt the implementation of this procedure would ensure that when applicants are notified of the issuance of a permit, they would also be formally notified the issuance of a permit can be appealed. We felt the implementation of this policy addressed our complainant's concerns about the Department of Highways and Transportation's eventual appealing of the permit issued in his case.

87-290-18 **Manitoba Housing**

Landlord alleges unfair treatment by the Deputy Rentalsman.

The case under review was brought to my attention by a landlord who expressed concerns relative to his dealings with personnel within the Landlord and Tenant Affairs Branch, Manitoba Housing. Essentially, the landlord complained that he was treated unfairly by the Deputy Rentalsman.

Around May, 1986, a tenancy agreement was established between the landlord and a couple, to rent a house for a duration of one year. In November of that year, the landlord contacted the Landlord and Tenant Affairs Branch and complained that the tenants made no arrangements to repair a screen door which was, allegedly, damaged by the tenants. The officer of the Landlord and Tenant Affairs Branch discussed the matter in detail with the landlord with a view to explaining the proper procedure for resolving a dispute of this nature. The landlord did not appear to be satisfied with the information provided by the Landlord and Tenant Affairs' officer and at that point reportedly stated that the tenants could simply do without a screen door.

Further, it was my understanding that upon noticing that the screen door was damaged, the landlord approached the tenants, indicating that he felt it was their responsibility to repair the door. Shortly thereafter, upon realizing that the door was not being repaired by the tenants and for fear that the door

would suffer additional damage, if allowed to remain on its hinges swinging loosely against the step railing, the landlord removed the screen door.

There was mixed information provided to my office with respect to the manner by which the door was removed. The landlord advised that he went to the premises and saw one of the tenants outside, at which time, he pointed out that the screen door was still not repaired and in danger of being further damaged. The landlord advised that he simply removed the door in the presence of the tenant. On the other hand, the tenant advised that they woke up one morning to find the landlord taking the door off its hinges.

Following this incident, the Deputy Rentalsman had requested that the landlord reinstall the door as it forms part of the premises rented by the tenant. Further, as there appeared to be conflicting information as to how the door was damaged, the Deputy Rentalsman advised the landlord that the Landlord and Tenant Affairs Branch would be the one to make a determination as to who is responsible for repairing the door.

Shortly thereafter, the landlord claimed that the Deputy Rentalsman attended his residence with a fellow officer and attempted to remove the door which was located in his garage. The landlord advised that this resulted in him having to wrestle the door away from the officers at which time, the Deputy Rentalsman, allegedly, made the comment, "I'll get you". The landlord advised that this incident gave cause to the filing of a formal complaint with the Brandon City Police Department, whereby, he accused the Landlord and Tenant Affairs' officers of attempted theft of property.

My office reviewed these allegations with the Deputy Rentalsman and he denied ever having threatened the landlord by saying "I'll get you". With respect to the alleged removal of the door from the premises, he advised that the incident was misinterpreted by the landlord and that while a fellow officer did in fact attend the landlord's residence and take hold of the damaged screen door, this was done for the purposes of inspecting the damaged door as well as taking pictures of it.

The landlord further advised our office that during a meeting of December 8, 1986, with the Deputy Rentalsman, he was, allegedly, not given the opportunity to respond to the allegations of the tenants nor was he, allegedly, informed of all the allegations made by the tenants. The Deputy Rentalsman confirmed that not all the allegations were presented to the landlord for his response. His reason for this was simply because the landlord abruptly concluded the meeting by storming out of the office, saying that he did not recognize the authority of the Landlord and Tenant Affairs Branch.

Further, concerning this meeting, the landlord advised that he was, allegedly, denied an opportunity to speak and instead, was asked to write out his questions and responses and to pass them on to his wife so that she could read them out loud to the Deputy Rentalsman. On this matter, the Deputy Rentalsman admitted to having asked the landlord to remain quiet, that he wanted to hear nothing further from him by reason of the fact that he was constantly interrupting the tenants and the Deputy Rentalsman, whenever they attempted to say anything on the issues. The Deputy Rentalsman advised that it appeared to him that the landlord's wife appeared to be more reasonable to deal with and as a result, indicated that she could speak on the landlord's behalf. The Deputy Rentalsman, however, denies telling the landlord to write out his questions and answers to concerns raised during the meeting and pass them over to his wife to be read. Instead, the Deputy Rentalsman stated that he told the landlord that he should simply speak quietly to his wife and that it was he (the landlord) who insisted on writing out notes to be read by his wife.

Following this meeting, the Deputy Rentalsman provided his findings and basically allowed the tenants to rescind the tenancy agreement. The landlord took issue with a number of concerns relative to the findings of the Deputy Rentalsman, in particular the decision to rescind the tenancy agreement, the restricting of access to the premises and as well, personal comments made about the landlord in the determination. On these concerns my office made further inquiries with the Director of the Landlord and Tenant Affairs Branch.

In responding to our inquiries, the Director advised that he was of the opinion that the personal comments made about the landlord as contained in the findings and determinations of the Deputy Rentalsman, had no place in a decision concerning a landlord and tenant dispute. He further commented that it was the first time that he has seen such comments in a determination from an officer of the Department.

With reference to the concerns about the landlord's restricted access to his property, the Director advised that the total denial of access to the landlord's property, as well as, requesting that he submit written requests to the Rentalsman's Department prior to entering the property, would normally be considered excessive and such matters should be handled by the courts. The Director conceded that these actions go far beyond the administrative functions

contemplated by The Landlord and Tenant Act, namely, spelling out reasonable terms and conditions to allow the landlord to exercise his right to enter premises occupied by any of his tenants. He advised that the policies and procedures of the Branch are for the officer to set reasonable times during which the landlord can enter the premises. He further conceded that the handling of this case was different from the normal way in which landlord and tenant disputes are considered.

In responding to the concern of the landlord, in which he questioned the right of the Deputy Rentalsman to rescind the tenancy agreement, the Director of the Landlord and Tenant Affairs Branch commented that provisions within The Landlord and Tenant Act provide for either party to refer a dispute to the Rentalsman about the right to continue in occupancy or the terms and conditions of tenancy. The Director, however, was of the opinion that these set provisions should not be used to terminate the tenancy agreement, except when notice to vacate had been given to either party. It was also established that The Landlord and Tenant Act does indicate that the Rentalsman should not consider matters of a serious nature and according to the Director, indications are the termination of a tenancy agreement is a serious matter.

The Director of the Landlord and Tenant Affairs Branch confirmed with my office that the manner by which this dispute was handled by the Deputy Rentalsman, did not meet his approval. He stated that in light of the apparent personality conflict between the landlord and the Deputy Rentalsman, the matter should have been reassigned to a different officer.

Having said this, the Director indicated to our office his willingness to meet with the landlord to review the matter in its entirety, in an attempt to reach a mutually agreed settlement.

Inasmuch as the Director for Landlord and Tenant Affairs Branch acknowledged that the manner by which the dispute was handled did not meet his approval and was willing to meet with the landlord to discuss the complaint, it was my opinion that a satisfactory resolution of the matter was being considered. It was the landlord's contention that he should be entitled to received two and one-half months rental income, as well as other expenses from the Department in view of the actions of the Deputy Rentalsman. I indicated to the landlord that my office would be concluding our involvement in this matter and should his meeting with the Director reach an impasse with respect to the issue of compensation for damages allegedly suffered, he should then consider alternative avenues for further redress of the situation.

Subsequently the Department confirmed that an ex-gratia payment had been provided to the landlord.

88-350-1 Manitoba Public Insurance Corporation

Feels Autopac should pay storage charges.

On January 7, 1988 I received a letter from the operator of a small town service station. She expressed concern on her inability to obtain payment for storage charges from the Manitoba Public Insurance Corporation.

I was advised that on May 15, 1987 while being towed home from the lake, a person's house trailer caught fire and was burnt to the extent that it was considered a total loss. Basically, all that was left after the fire, was the frame. Our complainant indicated that they attended at the scene of the fire, cleaned up the rubbish and towed the remains to a storage area owned by our complainant. It was also on this date, that the owner of the house trailer contacted the Corporation and reported the loss.

On May 19, 1987 the Corporation was advised by our complainant that the charge for cleanup and towing was $50.00. It was on this same date, that the Claims Department contacted the Salvage Department with the request that the trailer be picked up from our complainant's property, and brought to the Salvage Compound. On June 2, 1987 the Salvage Department still had not picked up the trailer and was now taking the position that it would cost more to bring the trailer to the Salvage Compound then it was worth. After the Proof of Loss had been signed, and the Salvage Release sent to the Salvage Compound, the Salvage Department abandoned the salvage on August 10, 1987, and the following day on August 11, 1987, the Corporation closed their file on this particular claim. At this point in time though, the Corporation still had not paid our complainant the $50.00 for the cleanup and towing.

Our complainant contacted the Adjuster of this claim on December 9, 1987 reminding him that payment still had not been made for the cleanup, towing and for having stored the trailer on their property. Upon being advised of this, the Claims Department contacted the Salvage Department at which point file documentation suggests that these two departments within the Corporation failed to realize who was responsible to dispose of the salvage.

After a subsequent telephone conversation with our complainant, and receiving a bill from our complainant, the Corporation took the position that they would not pay the storage and that our complainant could keep the salvage in lieu of receiving the storage fee. At this point, the cleaning up and towing fee also had not been accounted for in terms of whether or not it would be paid by the Corporation. Our complainant called the Corporation again on January 4, 1988 and requested that the outstanding bill be paid. On the same date she wrote to our office her letter of complaint which, as mentioned above, was received on January 7, 1988.

Upon receipt of the letter of complaint my office contacted the Corporation requesting that this matter be reviewed and a report supplied to our office. This resulted in the Corporation again reviewing their records and realizing that they still had not resolved this claim as it related to the payment being requested by our complainant. To rectify this, on January 15, 1988 the Corporation called our complainant and negotiated a settlement which our complainant accepted, even though it was only approximately half of the total amount requested. From the file documentation, my office noted that in the calculations done by the Corporation, they paid storage fees only from the date of loss, to August 11, 1987 which is the date when the Corporation improperly closed their file on this matter. A more appropriate calculation, might have been to calculate the storage fees from the date of loss, to the date when payment was finally made by the Corporation, i.e. January 15, 1988. However, with our complainant having accepted the negotiated settlement and having signed a release, no further action was taken by my office.

Our review of the Corporation files indicated that the reason our complainant was not paid within a reasonable period of time, was due to an error on the part of the Claims Department. To ensure that this type of situation is not repeated, the Corporation plans to inform the storing facility when ever salvage has been abandoned.

I was pleased that the Corporation resolved this matter to our complainant's satisfaction, and that procedures were changed to avoid a similar problem in the future.

88-350-12 **Manitoba Public Insurance Corporation & Manitoba Highways and Transportation**

Autopac dispute.

Our office received a complaint from an individual who felt that his 86 year old relative was wrongfully granted a learner's driver licence. He stated that less than one year later, this relative was involved in a motor vehicle accident for which the Manitoba Public Insurance Corporation assessed him 100% responsible. He expressed concern that the person was denied insurance coverage for the damage to his own vehicle and was expected to pay the total loss claim of the other driver. He said his relative had subsequently surrendered his licence voluntarily.

As the first complaint concerned the Driver and Vehicle Licencing Branch, one of my Investigators attended that office, reviewed the file in question and discussed the matter with departmental staff. My Investigator learned that the Branch decided to re examine the individual after he was found guilty of unsafe driving in the matter of a two-vehicle non-injury accident some time earlier. The Registrar of the Driver and Vehicle Licencing Branch requested the individual to submit a medical report and to take driver examinations "in order to assure (his) personal safety and that of the motoring public". The examinations referred to included vision, written and road testing.

The record showed that the individual submitted a medical report. However, according to a form letter dated approximately one month later, the Registrar advised the individual that his licence was cancelled because he failed to meet the medical standards in his vision test. We note that the individual was examined by an optometrist a few days later. We further note that by a form letter dated two weeks later, the Department advised that he now met the necessary medical standards. He was also advised that a further vision test would be required in six months time and he would be notified of this requirement when it was due. An added note at the bottom of the letter advised that he could now proceed with the driver examination requirements.

Our review shows that during a period of slightly over four months, the individual made several unsuccessful attempts to pass the highway signs recognition test and the multiple choice test on the laws of highway traffic. He finally passed these two tests and was apparently issued a learner's licence with conditions. This provided him with the opportunity to take his practical road test and enabled him to drive a motor vehicle upon a highway when accompanied by a licenced driver.

Our review further showed that in a two month period, he made several unsuccessful attempts to pass the road test. He failed each of his attempts during this time. However, he still held his learner's licence and, subject to the conditions of that licence,

could still drive a motor vehicle. Clearly, he was driving with a learner's licence when he was involved in the accident for which he was found 100% liable.

Upon reviewing these facts, we could not help but ask how this individual came to be issued a learner's licence. Yet our office was advised by a staff member of the Driver and Vehicle Licencing Branch that staff "leaned over backwards" to help him obtain the licence, which he obviously wanted so very badly. We were particularly concerned about a provision of The Highway Traffic Act which states:

> "A person who has on four occasions failed to pass any examination that he is required to take under this Act is not entitled thereafter, without the written consent of the Registrar, to attempt to pass the examination."

The facts show that this provision should have applied to this individual. However, there was no evidence of written consent being issued by the Registrar with respect to his examinations. The absence of this evidence led me to conclude that the individual was wrongly permitted to take subsequent testing.

I wrote to the Registrar to ask that he consider this matter further. At this time, I noted that I appreciated the importance that the individual placed on obtaining a licence and the reluctance on the part of some ageing drivers to acknowledge that they may have lost skills necessary to drive a vehicle. However, I felt that in view of the circumstances in this case, it was not in this person's interest nor the public's interest for the Driver and Vehicle Licencing Branch to have issued him with a learner's licence.

The Registrar acknowledged that the individual obtained a learner's licence without his written permission. He further advised that since receiving my letter, a reminder about this had been sent to all driver examining staff. However, he stated that since the individual persisted and eventually passed his written examination, the Department was required to issue a conditional learner's licence. The reason given for this was that the individual had met all physical, medical and driver examination requirements. The Registrar said that to refuse to issue him such a licence would constitute discrimination based on age.

I was unable to accept that the issuance of a learner's licence to this individual was proper because he passed his driver requirements. I again wrote to the Registrar and advised him that it was my position that discrimination based on age was not the issue. I suggested that the issue was the individual's ability to drive, based on the record of his driver examinations.

The Registrar again responded. This time he stated the refusal for further driver testing should be based on justifiable reasons and the Department's past experience and knowledge in assessing driver examinations. He further stated that he had reviewed the individual's file personally with his staff and would agree that probably, in his case, a learner's licence should not have been issued.

I was satisfied with this acknowledgement by the Department that it had not handled this matter properly. I was also satisfied that the Department had addressed itself to corrective action. Therefore, I did not make any recommendations.

At this point, my Investigator considered the further effect of the issuance of the licence on this individual, namely the motor vehicle accident for which the Manitoba Public Insurance Corporation found him 100% liable. My Investigator contacted the Corporation to clarify why the individual was denied insurance coverage. We were advised by the Corporation that it had learned that the individual had been driving contrary to the restriction on his driver's licence which required a licenced driver to be with him at all times. We were further advised by the Corporation that the individual indicated that he was aware of this restriction but continued to drive alone. The Corporation stated that the adjuster was therefore required to deny the coverage to the individual because he was neither authorized nor qualified to drive. As a result, the Corporation would not consider coverage of the damage to his car and was requesting payment of the total loss claim of the other driver.

In so doing, we found that the Corporation was properly following the terms of the Manitoba Public Insurance Corporation contract. Nevertheless, we were also aware of the forgiveness clause under The Manitoba Public Insurance Corporation Act where the Corporation can provide coverage to an insured even if the insurance contract has been breached. However, for this clause to be considered by the Corporation, the circumstances must be clearly inequitable or financially harsh. It was concluded that inequity did not seem to be an issue. Although the individual believed he was capable of driving, he was to drive, by law, with a licenced driver in his vehicle. He knew this but he failed to do so. From our review, the Corporation's handling of this matter seems consistent, equitable, and in accordance with the coverage provided to the individual. We also concluded that harshness did not seem to be an issue. We understood from our complainant that the individual had settled with the Corporation on the total loss claim sustained by the other driver. Further, we understood from our complainant that the

individual was able to have his own vehicle repaired, after which he was able to sell it. Accordingly, after seeking clarification from the Corporation about accident liability and insurance coverage, I had no grounds to make any recommendation in this case.

87-350-45 Manitoba Public Insurance Corporation

Complainant alleged that he was unfairly denied an Autopac agency appointment.

In July, 1987, I received a complaint from an individual who raised concerns about his dealings with the Manitoba Public Insurance Corporation. Basically, the complainant brought to my attention the manner by which his application for an Autopac agency appointment was dealt with by the Corporation and alleged that he was unfairly denied an Autopac agency appointment.

In reviewing the circumstances surrounding this case, it was established that in the year 1983, an Autopac agency appointment was cancelled at a particular location due to the agent's misappropriation of the Minister of Finance funds. The agent was charged with fraud and later pled guilty to the charge. This, then caused a void in the area with respect to providing auto insurance to the general public.

In 1984, another agent applied to the Corporation to relocate his Autopac agency to the area where the void was created. The Corporation did not consider this request and the reason given by the President and General Manager, at the time, was that the application for a change of Autopac agency location must be submitted to the Autopac Agency Committee for consideration. The request had been submitted during the Autopac renewal period and reportedly the Committee does not meet during that period. Also, the President and General Manager indicated that there were a number of matters relating to the particular location, which were not totally resolved and that it would have been somewhat premature to consider any application for relocation in that particular area.

Later that year, the same agent applied to the Corporation again, for permission to transfer his Autopac agency. His request was reviewed by the Autopac Agency Committee and the Committee declined his request. No reasons were given for declining this request, but it was believed that the reasons related to the unresolved issues surrounding the location.

Our complainant purchased a general insurance agency in the area and in 1985, made an application to the Corporation for an Autopac agency appointment. The agency purchased by our complainant, was licensed to sell general insurance only and, as our complainant wanted to satisfy the void with respect to selling auto insurance created by the cancellation of the previous agent, he made an application to the Corporation for an agency appointment. The application of our complainant, was never submitted to the Autopac Agency Committee, but instead, the agency co-ordinator for Autopac Services informed the complainant that the area was being adequately serviced and that a decision regarding an appointment would be based on the demonstrated lack of Autopac service, as well as, infringement on existing Autopac agencies. As a result, the complainant was forewarned that his application for an appointment may not be successful.

The complainant made several attempts to purchase two existing Autopac agencies and as these attempts failed, he submitted a letter to the Corporation, requesting that his initial application be reactivated.

In December 1985, the first agent who had contacted the Corporation requesting relocation of his agency, again wrote to the Corporation indicating that he had entered into a lease agreement to occupy premises located in the area in which the void was created. He advised the Corporation that this lease agreement was subject to the approval of his Autopac agency relocation. He stated in his application that he did not feel that his request would harm any Autopac agency in the area because he would simply be asking to re-establish the Autopac facilities in that location, which for many years had serviced the people in the neighbourhood without causing any harm to other agencies. This request was denied by the Corporation.

In August, 1986, the agent wrote to the President and General Manager of the Manitoba Public Insurance Corporation, and again, requested permission to relocate his Autopac agency to the location in which the void was earlier created. The President and General Manager of the Corporation, not the same person who previously denied the agent's earlier request, reviewed the application and came to the conclusion that no supportable reasons existed to deny the agent his request. The President and General Manager, also indicated that he noted that the proposed relocation application was acceptable in terms of the guidelines on infringement. As a result, he concluded that he could not determine any reason to deny the request of the agent for his relocation and it was so approved. It should be noted that this application did not go before the Autopac Review Committee for its consideration.

In investigating this matter, my Investigator noted that at the time when the relocation approval was granted, the Corporation had in its file a letter from our complainant, asking that the Corporation reactivate his application for an Autopac agency appointment at the very same location. Apparently, this request was not acted upon prior to the President and General Manager approving the request of the other agent for relocation. Around October 9, 1986, our complainant attended the Autopac Services office of M.P.I.C., in person, and delivered a new application for an agency appointment. The location requested was in the vicinity of the location indicated in his previous application.

Shortly thereafter, the Autopac Agency Committee met and reviewed the application submitted by our complainant. At this meeting the Committee was reminded that a decision to grant an appointment is based on two major factors:

1. The need for Autopac service in the given area
2. Infringement on existing Autopac outlets

The Committee also heard evidence that there were a hundred and six Autopac outlets in the City of Winnipeg, with no new appointments having been made in the past six years. The Committee was also aware of the fact that our complainant had knowledge that the Corporation had granted another agent the right to relocate his Autopac agency outlet in the area where he previously requested an agency appointment.

Shortly thereafter, our complainant received a letter from the Assistant Manager of Autopac Services, confirming an earlier conversation in which the complainant was advised that his application for an appointment as an Autopac agent, had been declined by the Autopac Agency Committee. The Manager went on to explain that the Autopac Agency Committee is guided by major considerations such as demonstrated lack of service in the area in which the applicant proposes to locate the Autopac outlet and infringement on existing Autopac agency. The Manager stated further that the area in question is well serviced by existing Autopac agencies and any additional appointments would essentially be infringing upon these agencies.

Having reviewed this matter in detail, it was my view that the Corporation was not equitable in its treatment of our complainant, when compared to the treatment received by the other agent who was allowed to relocate his agency. I pointed out that our complainant was unable to obtain an Autopac agency appointment based on the grounds that an appointment would infringe upon existing agencies and that there was no demonstrated need for service in the area. These conditions, I indicated, applied to the relocation of agencies as well, yet, the other agent's request for transfer was approved while our complainant's initial application for an agency appointment was rejected. I stated that with the other agency now located in the area, our complainant would have some difficulty in meeting the guidelines.

With this in mind, I wrote to the Corporation requesting a meeting to discuss the situation. As a result, I met with the President and General Manager of the Corporation, as well as two Vice-Presidents. During this meeting the President and General Manager of M.P.I.C. agreed that our complainant did not receive equitable treatment. The Corporation advised that in order to resolve the matter, there were essentially two options available:

a) to provide our complainant with an Autopac agency appointment at the location which he requested; or

b) to provide him with an Autopac agency appointment at some other location.

My meeting concluded with the President and General Manager of the Corporation advising that he would be meeting with our complainant shortly, to resolve the matter.

Shortly thereafter, we received information from our complainant advising that he had been provided with an Autopac agency appointment at his requested location. This information was confirmed by the Corporation and we concluded our file on this issue.

87-360-1 **Manitoba Natural Resources**

Feels unfairly treated re application for trapline.

On February 3, 1987, I received a letter from a northern resident who expressed a number of concerns, with the main issue being his inability to receive a registered trapline allocation.

The Department of Natural Resources was advised of the concerns received with the request that our complainant's concerns be reviewed, and that a report indicating the Department's findings, be supplied to our office. Subsequent to receiving the report, attendance was made at the departmental offices where our complainant's file was reviewed and discussed with the Head of the Fur Unit. After the initial contact with the Department, this file was discussed on a number of occasions with our complainant and the Head of the Fur Unit, in order to obtain further clarification.

The first concern expressed by our complainant related to his father's former trapline being absorbed by smaller less-productive lines. Our complainant advised that his parents' family had consisted of a family unit of ten members, all of which were supported through the trapping which his father did on the one trapline. Our complainant was of the view that if the trapline in question was productive enough to support his parents' family, then there should not be any reason for the line to have been amalgamated with other traplines.

Our file review indicated that at a Registered Trappers Meeting (at which our complainant was in attendance) held on September 29, 1969, for the primary purpose of discussing proposed changes in trapline boundaries, a crucial decision was made relating to our complainant's father's trapline. The decision reached was that the trapline would be amalgamated with another trapline to form a more economical production unit. It was the view of the Department that involving active trappers who are directly involved with the Local Registered Trappers organization, is important when decisions are being made relating to the organization of traplines. In view of the Department having reached the decision to amalgamate the trapline after due consultation with the registered trappers, my office concluded that the Department could not be faulted for reaching the decision to amalgamate the traplines.

The second concern expressed by our complainant, was that the Department had advised him that he had to establish a production record which he felt was not appropriate, given that their family unit production record existed.

Based on previous cases which we have investigated, and information obtained in this particular case, my office has become aware that an applicant's production record is an important factor in the allocation process. The crucial factor is that every trapper must be licensed either as a line holder, or as a helper. When helpers are not licensed, and sell their furs under the line holder's license, then the Department has no way of maintaining a record of the fur production of the helper. This in turn, has a negative impact on a helper's application for a trapline. In the case of our complainant, it appeared that he would score better if he obtained a helper's license, and sold furs caught under his license, and not that of the line holder. If this system is not maintained, then it is difficult for the Department to determine if the applicant for a trapline does in fact have the necessary skills, and trapping record to ensure that a trapline would be properly utilized.

Our complainant also indicated that he had been allocated a trapline in order to establish a production record, yet was unable to utilize the line due to a bodily injury.

The investigation by my office was unable to produce any information which would indicate that our complainant had been allocated a trapline in order to establish a production record. There was information that our complainant had requested a particular trapline, but the Department did not grant our complainant permission to commence trapping. Given this information, my office was unable to substantiate that a trapline had ever been allocated to our complainant in order to establish a production record.

Our complainant also advised that he had submitted applications for a number of traplines, yet had never been successful in his applications. It was his view that some questions existed as to whether his applications had been given proper consideration.

My office was advised by the Department that based upon their review of all information in their files, there was no information which would indicate that our complainant had ever formally completed an application and submitted it for consideration in a trapline allocation.

Given the information obtained, we suggested that he should consider making formal applications for traplines when they become available, and if he should happen to be unsuccessful and is of the opinion that proper administrative procedures had not been followed in the allocation process, then he would have the option of contacting my office again. At that point, we would be in a better position to determine if he had suffered a grievance.

I should comment that my office has received complaints in the past relating to the allocation of traplines. The point which has come to my attention from previous cases investigated, is that the Department was in need of an updated trapline allocation policy to ensure that traplines are allocated in a fair and consistent manner throughout the trapping areas in Manitoba. In this regard, I was pleased to see the Department officially implement a new Wild Fur Policy on October 14, 1988, which appears to be a considerable improvement over the previous allocation process. The following case example, 87-360-16, indicates that the transitional stage in establishing the new Wild Fur Policy, was not without growing pains.

87-360-16 **Manitoba Natural Resources**

Alleges improper handling of application for trapline.

In December, 1987, I received a letter from a trapper who expressed concern about the manner in which his application for a registered trapline had been handled. He expressed the opinion that new criteria had been implemented either prior to, or during the meeting of the Local Fur Council which decided on the allocation of the trapline. It was his view that if new criteria are to be introduced in the allocation process, that it should be done by a larger body than a small group of local trappers.

This particular case was an interesting one in that our complainant's application received consideration at a time when the Department was in a transitional stage of attempting to implement a new Wild Fur Policy. Accordingly, trappers such as our complainant, had the experience of their applications being assessed on the basis of new criteria with which not all trappers were totally familiar. While the new Fur Policy was not officially signed by the Minister of Natural Resources until October 14, 1988, it had already received what could be termed a "verbal blessing", in the summer of 1987. Our office was advised that during the course of the new criteria being developed, groups such as the Manitoba Trappers Association, Local Trappers Associations, Northern Affairs, and some individual trappers were consulted. Given that considerable input had been obtained from various interest groups, I was satisfied that the use of the criteria contained in the new Fur Policy was not clearly wrong or unreasonable at the time that our complainant's application was under consideration.

During the course of investigation, the applications submitted for the trapline in question, were reviewed. The degree to which applicants met the various criteria was assessed and based upon the information considered, I was satisfied that the individual who best met the criteria, also received the allocation of the trapline in question. An important factor to be noted in this case is that the Local Trappers Association was in complete agreement that the allocation which was made, was appropriate. While the Department ultimately is responsible for the management of fur production in the province, I consider it an important factor that local individuals such as the Local Trappers Association be actively involved in the decision making process.

87-360-9 **Manitoba Natural Resources**

Commercial live-bait fishermen objecting to government freeze on his license.

In June 1987, I was made aware, by several live-bait fishermen, of concerns with regard to the Commercial Live-Bait Industry in Manitoba. The first fisherman to come to our office advised he wished to retire and sell his business after being involved in the industry in Manitoba for 17 years. He advised that in 1983, the Department of Natural Resources placed a freeze on live-bait licenses and although he could continue personally to harvest live-bait and supply licensed vendors with live-bait, he was unable to transfer his license to any prospective purchaser. On selling the business he had built up over 17 years, he felt the business would therefore only be worth the actual value of the equipment as a result of the Department of Natural Resources not allowing further licenses to be issued nor transfer of licenses to prospective purchasers.

Our complainant felt that the Department of Natural Resources was moving in the direction of totally banning the use of live-bait in the Province and advised it had been suggested by Department of Natural Resources staff that he would be compensated should the use of live-bait be prohibited in the Province of Manitoba.

After receiving the complaint, a letter was sent to the then Acting Deputy Minister of Natural Resources asking that information be supplied to our office with regard to the concerns expressed by the complainant.

In July, 1987, our complainant received a letter from the Director of the Fisheries Branch advising that as of April 1, 1988, licenses for the commercial sale of live-bait would not be issued. As well, the use of live-bait would be prohibited in the Province of Manitoba. After receiving this letter, our complainant contacted the Director with regard to the issue of compensation. The Director advised that he understood the Department had no legal obligation to compensate commercial live-bait fishermen or dealers.

In August, 1987, the then Minister of Natural Resources attended at our complainant's business and requested that the Live-Bait Fishermen and Vendors Association, on behalf of the fishermen and dealers, write a letter to his attention advising what changes they felt should be made with regard to the live-bait regulations. The Minister, as well, requested this letter include, for his review, information with regard to the compensation issue.

In August, 1987, I received a letter from the Department of Natural Resources advising that on October 2, 1986, Cabinet approved the elimination of live-bait without compensation to the five licensed commercial operators involved. The compensation issue was reviewed by the Department and the conclusion was that there was no legal obligation to compensate the live-bait fishermen or dealers. The Department advised that they had put a recommendation forward to Treasury Board requesting compensation for our complainant; however, this was rejected on April 21, 1987.

In August 1988, my Investigator met with the Director of Fisheries and the Chief of the Sports Fishing Branch. They advised that in 1983, a moratorium had been placed on the issuance of commercial live-bait licenses. Further, they released the Department's concerns with regard to the use of live-bait in the areas of biological concerns, transporting concerns, and other problems encountered in the regulation of live-bait. During this meeting, the Department was also advised that a second commercial live-bait fisherman had approached our office with regard to the issue.

After the meeting, our office received and reviewed departmental file information covering the period of 1970 to 1987, with regard to the live-bait industry.

In September 1987, our office received a copy of a letter to the then Minister of Natural Resources from the Manitoba Live-Bait Fishermen and Dealers Association. In the letter to the Minister, the fishermen requested compensation and advised the Department of the actual dollar values requested.

The live-bait fishermen received a response from the Minister advising that he and his Department believed that over the long-term, the fisheries resources will be benefited by the elimination of the use of live-bait. He thanked the fishermen for supplying compensation estimates and advised that he was waiting the outcome of our investigation prior to commenting further on the compensation issue.

I then wrote to the then Minister of Natural Resources and in my letter I advised that there had been what appeared to be encouragement by the Department of Natural Resources to involve persons in the live-bait fishing industry. He was further advised that there had been discussions between the commercial live-bait fishermen and the Department of Natural Resources staff with regard to compensation. I advised the Minister that before we would proceed any further on this case I wished to discuss the matter with him. At the end of October, 1987, I happened to meet the then Minister of Natural Resources at a public relations function and at that time, the Minister indicated that the commercial live-bait fishermen and dealers would be allowed to continue on in the live-bait business.

In November, 1987, I received information from the Minister advising he would have staff further review this issue. As well, he advised that he intended on seeking further Cabinet consideration with regard to the matter. I then wrote to the Minister and advised that whereas he had asked his staff to review this issue and intended to seek further Cabinet consideration, I felt it would not be necessary to meet formally at this time. However, I advised that I would appreciate being informed of the results of the review when completed so that my office would be in a position to properly respond to the complaints we had received.

In January, 1988, the Minister wrote and advised that effective January, 1988, the moratorium on the licensing of the live-bait fishing industry was lifted. In addition, the regulations regarding the collection, sale, and use of live-bait fish would remain unchanged for the 1988/1989 sport fishing season. The Minister further advised that effective April 1, 1989, anglers using live-bait would be restricted to designated live-bait fish areas and these areas include those parts of Manitoba where anglers have traditionally used live-bait. The area, the Minister advised, includes Sport Fishing — Division 1, north of the Winnipeg River and east of Lake Winnipeg, as well as the Winnipeg River downstream from Seven Sisters Falls and Buffalo Bay on the Lake of the Woods.

This information appeared to resolve the concerns of the live-bait fishermen who had contacted our office and accordingly, I wrote and advised them of the results of our investigation and review of the live-bait issue.

Complete List of Complaints

Agriculture — 9

88-100-0001	Complaining that Manitoba Agricultural Credit Corporation has not released its claim on his insurance policies.	Resolved
88-100-0002	Dispute over use of Crown land.	Pending
88-100-0003	Requests compensation following order to destroy bees.	Not Supported
88-100-0004	Problem involving building purchased through Manitoba Agricultural Credit Corporation.	Not Supported
88-100-0005	Feels Department has given unfair response to his request for exoneration from contractual obligations.	Not Supported
88-100-0006	Alleges unfair and unreasonable treatment in the denial of a crop insurance claim.	Pending
88-100-0007	Objecting to decision re allocation of Crown land.	Pending
88-100-0008	Farmer feels he should not have to repay loan with Manitoba Agricultural Credit Corporation.	Pending
88-100-0009	Crop insurance dispute.	Pending

Attorney General — 163

88-110-0001	Unhappy with Human Rights Commission's investigation into complaint.	Information Supplied
88-110-0002	Alleges inappropriate actions and unfair treatment by Public Trustee.	Pending
88-110-0003	Concerns over delay in receiving court transcript, witness fees, and failure of officials to return telephone calls.	Discontinued (Client)
88-110-0004	Allegation of improper conduct by Crown Attorney.	Not Supported
88-110-0005	Alleges unfair garnisheeing of bank account funds.	Pending
88-110-0006	Ward of Public Trustee wants monthly statements on how her money is being spent.	Pending
88-110-0007	Alleges difficulties in dealing with the Public Trustee's Office.	Resolved
88-110-0008	Alleges Legal Aid lawyer not returning phone calls.	Information Supplied
88-110-0009	Concern re Public Trustee's handling of estate.	Not Supported
88-110-0010	Feels Court administration should inform the Department of Highways and Transportation of payment of fines.	Pending
88-110-0011	Unhappy with decision and procedure of Criminal Injuries Compensation Committee.	Information Supplied
88-110-0012	Inmate seeking clarification re bail refusal.	Information Supplied
88-110-0013	Questioning Public Trustee's administration of wife's affairs.	Discontinued (Ombudsman)
88-110-0014	Questions concerning caveat placed by Public Trustee on Certificate of Title.	Information Supplied

88-110-0015	Inmate alleging that his visitors are being searched for no reason.	Information Supplied
88-110-0016	Inmate expressing concern re security measures being taken in his case.	Not Supported
88-110-0017	Inmate alleging accident due to faulty bunk bed, also inadequate medical treatment following accident.	Not Supported
88-110-0018	Inmate alleges he is not getting proper medication.	Not Supported
88-110-0019	Inmate alleges missing personal property.	Resolved
88-110-0020	Alleges abuse of power by guard at correctional institution.	Information Supplied
88-110-0021	Inmate objecting to change of medication.	Information Supplied
88-110-0022	Inmate alleging unfair treatment re request that photo albums be placed with his personal belongings.	Not Supported
88-110-0023	Inmate seeking a review of administrative lock-up questioning the validity of an explanation given by correctional officers.	Not Supported
88-110-0024	Inmate's request to attend funeral denied.	Not Supported
88-110-0025	Inmate seeking review of administrative lock-up, claiming an explanation for the lock-up was not given.	Information Supplied
88-110-0026	Alleges unfair treatment of inmates in protective custody.	Discontinued (Client)
88-110-0027	Inmate seeking clarification re administrative lock-up and also seeking release from segregation unit.	Not Supported
88-110-0028	Unhappy with Report by Provincial Judge on inquest.	Information Supplied
88-110-0029	Inmate alleges his medical and psychological problems are not being properly handled at correctional institution.	Pending
88-110-0030	Complaining about delay and discontinuance of case by Legal Aid.	Not Supported
88-110-0031	Concerned about delays in processing court cases.	Discontinued (Ombudsman)
88-110-0032	Inmate alleging unfair treatment and unsanitary living conditions at Correctional Institution.	Not Supported
88-110-0033	Inmate alleging that inmate in another Institution is being unfairly treated.	Not Supported
88-110-0034	Alleges undue delays by Land Titles in registering properties.	Discontinued (Client)
88-110-0035	Inmate complaining that request for tobacco cancelled, allegedly without explanation.	Resolved
88-110-0036	Alleges Maintenance Enforcement taking too long to process garnishee order.	Discontinued (Client)
88-110-0037	Inmate alleging lost personal property.	Resolved
88-110-0038	Inmate alleging improper medical care.	Assistance Rendered
88-110-0039	Monitoring of steps taken by Institution to prevent inmate from injuring himself.	Discontinued (Ombudsman)

88-110-0040	Alleges Manitoba Human Rights Commission did not properly investigate complaint.	Pending
88-110-0041	Inmate alleges unfair charge and disciplinary board hearing.	Not Supported
88-110-0042	Inmate complaining about medical problems.	Assistance Rendered
88-110-0043	Questions concerning settling of estate.	Pending
88-110-0044	Inmate expressing concern over: having clothes returned from laundry wet; no shampoo; and no request forms.	Pending
88-110-0045	Inmate alleging unfair placement in solitary confinement.	Not Supported
88-110-0046	Former inmate of correctional institution expressing numerous concerns about the institution.	Discontinued (Client)
88-110-0047	Inmate disagrees with decision denying temporary absence pass.	Not Supported
88-110-0048	Inmate alleging that he and his visitors are being harassed and treated unfairly.	Not Supported
88-110-0049	Inmate complaining that there was no shampoo available.	Pending
88-110-0050	Inmate alleges inappropriate removal of ring from his finger.	Not Supported
88-110-0051	Inmate alleges inappropriate name calling by guard.	Pending
88-110-0052	Alleges wrongful confiscation of guns.	Discontinued (Client)
88-110-0053	Inmate alleging undue delay in the review of his application for a temporary absence pass.	Not Supported
88-110-0054	Complainants feel they should be compensated for financial loss due to delays at Land Titles Office.	Not Supported
88-110-0055	Inmate expressing concern over lack of: wake-up call, shaving kits, toothbrushes, combs and request forms.	Pending
88-110-0056	Alleges unfair treatment by Legal Aid Manitoba.	Not Supported
88-110-0057	Inmate alleging inadequate dental care.	Not Supported
88-110-0058	Inmate alleging unfair decision by doctor at Correctional Institution re chiropractic care.	Not Supported
88-110-0059	Alleges he has been waiting for two years to receive a land title.	Information Supplied
88-110-0060	Inmate alleges inadequate medical treatment.	Not Supported
88-110-0061	Inmate seeking transfer from one correctional institution to another.	Discontinued (Client)
88-110-0062	Inmate objecting to his location in institution and also alleging inadequate medical care.	Information Supplied
88-110-0063	Inmate alleges improper medical treatment.	Not Supported
88-110-0064	Inmate alleges that tobacco was not provided at time of admission to remand centre.	Discontinued (Client)
88-110-0065	Alleges delay in retrieving personal property.	Not Supported

88-110-0066	Inmate complaining that cell block mirror has been broken and not replaced.	Resolved
88-110-0067	Inmate presenting anonymously several concerns re treatment at correctional facility.	Assistance Rendered
88-110-0068	Inmate alleging unfair Disciplinary Board Hearing and also alleging that he is not receiving appropriate psychiatric treatment.	Discontinued (Client)
88-110-0069	Inmate alleges that he was unfairly denied day parole.	Information Supplied
88-110-0070	Inmate objecting, on religious grounds, to being made to work on Sundays.	Not Supported
88-110-0071	Inmate alleging unfair treatment.	Not Supported
88-110-0072	Alleges her sister, a ward of the Public Trustee, is not being cared for properly.	Discontinued (Client)
88-110-0073	Inmate raising concerns about probation.	Information Supplied
88-110-0074	Disputes decision of the Public Trustee over placement of mentally handicapped adult.	Pending
88-110-0075	Dissatisfied with assistance offered after providing evidence at murder trial.	Pending
88-110-0076	Inmates complaining about bugs at correctional institution.	Resolved
88-110-0077	Alleges unfair denial of temporary absence pass.	Not Supported
88-110-0078	Inmate alleging that a fellow inmate was unfairly disciplined following dispute about breakfast call.	Discontinued (Ombudsman)
88-110-0079	Alleges undue delay of release.	Resolved
88-110-0080	Inmate alleges verbal abuse and harassment by guards and unfair disciplinary board hearing.	Pending
88-110-0081	Dissatisfied with Court decision.	Declined
88-110-0082	Monitoring of youth correctional facility program.	Pending
88-110-0083	Dissatisfied with handling of complaint by the Manitoba Human Rights Commission.	Pending
88-110-0084	Inmate alleges that he is being denied medical treatment.	Pending
88-110-0085	Feels unfairly treated regarding Court sentence.	Information Supplied
88-110-0086	Inmate alleges personal property missing and no action being taken.	Resolved
88-110-0087	Alleges unfair denial of eyeglasses by Institution.	Resolved
88-110-0088	Alleges he is being unfairly held in segregation.	Not Supported
88-110-0089	Delay in scheduling Court trial.	Resolved
88-110-0090	Inmate feels she is being treated unfairly.	Not Supported
88-110-0091	Inmate alleges improper treatment.	Discontinued (Client)
88-110-0092	Inmate alleging missing personal property.	Not Supported
88-110-0093	Inmate alleging unfair placement in segregation.	Not Supported

88-110-0094	Remand Centre inmates alleging abusive, cruel, inhumane treatment, overcrowed conditions, lack of fresh air, and several other concerns.	Pending
88-110-0095	Disparaging written comment by Provincial Remand Centre Correctional Officer.	Resolved
88-110-0096	Inmate alleging unfair decision by institution re alleged altercation between himself and another inmate.	Not Supported
88-110-0097	Complainant alleges that he was held unlawfully by the institution.	Resolved
88-110-0098	Would like institutution to pay for trip to B.C. institution will only pay to the Manitoba border. Also would like a walkman, he feels this request will be declined.	Pending
88-110-0099	Inmate alleges the institution is refusing to forward his mail to relatives.	Resolved
88-110-0100	Inmate alleging unfair denial of extra blanket.	Resolved
88-110-0101	Inmate alleging unfair discipline following his fight with another inmate.	Assistance Rendered
88-110-0102	Inmate expressing concerns about the Remand Centre.	Pending
88-110-0103	Seeking clarification re breach of probation charge.	Information Supplied
88-110-0104	Inmate complaining about lack of access to gymnasium.	Pending
88-110-0105	Pursuing several issues re daily administration of Provincial Remand Centre.	Resolved
88-110-0106	Review of Allowance Policy for inmates who are forensic patients.	Pending
88-110-0107	Inmate seeking clarification as to why pre-release has not been approved.	Pending
88-110-0108	Inmate seeking clarification re alleged numerous postponements of trial.	Information Supplied
88-110-0109	Inmate alleging inadequate medical attention.	Not Supported
88-110-0110	Inmate alleging unfair action taken against him following fight with another inmate.	Not Supported
88-110-0111	Inmate seeking information on rights and clarification re temporary absence pass denial.	Information Supplied
88-110-0112	Expressing concern about Crown Attorney's response to her request to drop charges against her husband.	Resolved
88-110-0113	Youth at youth centre complaining that raw meat was served for lunch.	Assistance Rendered
88-110-0114	Alleging unfair denial of legal aid applications.	Declined
88-110-0115	Inmate seeking transfer from correctional facility to psychiatric facility.	Not Supported

88-110-0116	Follow-up re loophole in legislation re child abuse reporting.	Pending
88-110-0117	Inmate seeking assistance to have money transferred from savings account to spending account.	Resolved
88-110-0118	Inmate feels charges should have been laid by police against correctional officer for allegedly pushing him.	Information Supplied
88-110-0119	Inmate objecting because his Walkman was taken from him.	Discontinued (Client)
88-110-0120	Monitoring of Department's investigation of school division's handling of sex assault complaints.	Pending
88-110-0121	Alleges undue delay by Land Titles Office in processing and registering documents.	Information Supplied
88-110-0122	Alleges error or omission by Land Titles Office cost him a penalty for late payment of taxes.	Pending
88-110-0123	Inmate feels Institution should allow him to send money to his girlfriend so she can visit him.	Resolved
88-110-0124	Inmate expressing several concerns about living conditions at the Provincial Remand Centre.	Assistance Rendered
88-110-0125	Inmate concerned about his visitors having to wait forty minutes before seeing him and thus losing that amount of time from the visit.	Not Supported
88-110-0126	Inmate complaining about being denied telephone call to his lawyer.	Pending
88-110-0127	Inmate alleges he was unfairly refused lunch and treated inappropriately.	Discontinued (Client)
88-110-0128	Concern over the provision of legal aid in a civil matter.	Pending
88-110-0129	Inmate expressing concerns about whether inmate mail is being sent out of Institution and the length of time it takes to reach its destination.	Information Supplied
88-110-0130	Concerns re living conditions of individuals held at correctional institution under Lieutenant-Governor's warrants.	Pending
88-110-0131	Inmate alleges inadequate medical attention.	Discontinued (Client)
88-110-0132	Week-end inmates alleging unfair treatment at correctional institution.	Pending
88-110-0133	Alleges that Attorney General's Office refuses to answer telephone calls.	Discontinued (Client)
88-110-0134	Concern over increased use of administrative segregation and lack of use of disciplinary board hearings at remand centre.	Pending
88-110-0135	Alleges Chief Medical Examiner's Office improperly handled request for information re cause of brother's death.	Pending
88-110-0136	Alleges mistreatment by guards at correctional facility.	Pending

88-110-0137	Alleging that error by Land Titles Office caused unnecessary legal costs and other financial loss.	Pending
88-110-0138	Inmate alleges he was threatened by a guard and that another inmate was physically abused by guards.	Not Supported
88-110-0139	Inmate disagrees with Superintendent's decision appeal of decision of temporary absence board.	Not Supported
88-110-0140	Inmate alleging unfair treatment at correctional institution.	Pending
88-110-0141	Inmate alleging unfair treatment by guard.	Resolved
88-110-0142	Inmate alleging unfair withholding of medication.	Pending
88-110-0143	Inmate alleges difficulty receiving mail and also that his visitors are being treated rudely.	Pending
88-110-0144	Inmate alleges unfair and inappropriate treatment at correctional institution.	Pending
88-110-0145	Seeking clarification as to why Legal Aid will not give him a lawyer.	Pending
88-110-0146	Relatives have some concerns about ward of Public Trustee being relocated from independent living to a group home	Pending
88-110-0147	Inmate unable to obtain psychological assessment through the correctional institution's medical staff	Discontinued (Client)
88-110-0148	Disagrees with Manitoba Human Rights Commission's decision not to proceed with a formal complaint.	Not Supported
88-110-0149	Former inmate seeking return of, or compensation for, clothing allegedly lost by remand centre.	Resolved
88-110-0150	Inmate complaining about Christmas pass denial.	Not Supported
88-110-0151	Inmate alleging unfair confinement to segregation unit, restricted phone calls and privileges	Not Supported
88-110-0152	Alleges unfair revocation of security officer licence.	Pending
88-110-0153	Inmate alleging unfair placement in administrative segregation.	Not Supported
88-110-0154	Inmate alleges unfair denial of access to cassette tapes.	Not Supported
88-110-0155	Feels amount being garnisheed from paycheque exceeds maximum amount allowable by law	Pending
88-110-0156	Concerns re appeal of Disciplinary Board decision	Discontinued (Ombudsman)
88-110-0157	Feels $250 exemption under Section 8 of The Garnishment Act is insufficient for today's demands.	Assistance Rendered
88-110-0158	Inmate alleges he had not received medication prescribed for him by hospital physician	Resolved
88-110-0159	Feels guards at Remand Centre could have used discretion to acccept, at other than the designated hours, supplies he was delivering to an inmate.	Pending
88-110-0160	Alleging that individual is being denied access to her sister who is in the care of the Public Trustee	Pending

88-110-0161	Inmate alleging unfair treatment and threats by guard	Discontinued (Client)
88-110-0162	Inmate alleges inappropriate treatment at remand centre.	Information Supplied
88-110-0163	Wishes to have his mother transferred from the care of the Public Trustee in Manitoba to the care of the Public Trustee of another province	Not Supported

Business Development and Tourism — 1

88-120-0001	Allegedly not given a reason why thoroughbred trainer's licence not renewed by Horse Racing Commission.	Information Supplied

Chief Electoral Officer — 1

88-125-0001	Alleges discrimination by Returning Officer in choosing Deputy Returning Officers.	Information Supplied

Civil Service Commission — 5

88-130-0001	Alleges unfair reprimand by department.	Declined
88-130-0002	Alleged that Commission would not provide him with information.	Discontinued (Client)
88-130-0003	Employee alleges harassment by supervisor.	Information Supplied
88-130-0004	Seeking clarification of policy on oral reprimands.	Pending
88-130-0005	Questioning fairness of appeal procedure and decision re internal competition	Discontinued (Ombudsman)

Community Services — 138

88-140-0001	Unhappy with Agency's decision not to continue educational sponsorship of son.	Pending
88-140-0002	Inmate experiencing problem concerning release date.	Information Supplied
88-140-0003	Inmate expressing concerns over not being given correspondence from wife.	Resolved
88-140-0004	Inmate alleging unfair treatment.	Not Supported
88-140-0005	Concerns regarding apprehension of a child.	Discontinued (Client)
88-140-0006	Inmate expressing concerns re: change of clothing, the custody of personal items, and the transfer of money.	Information Supplied
88-140-0007	Inmate alleges that he is being treated in a rude and unjust manner by a nurse.	Information Supplied
88-140-0008	Inmate alleges physical abuse by correctional officer.	Information Supplied
88-140-0009	Inmate alleges unfair discipline at correctional institution.	Discontinued (Client)
88-140-0010	Reports difficulties in obtaining assistance from Child and Family Services for an older teenager.	Resolved
88-140-0011	Alleges unfair treatment re visiting privileges.	Information Supplied

88-140-0012	Dissatisfied with assistance being received from a Child and Family Services agency.	Information Supplied
88-140-0013	Inmate feels he is being given inadequate medical attention.	Not Supported
88-140-0014	Inmate expressing concern over change of clothing and transfer of money	Pending
88-140-0015	Complainant is unhappy with the contact made by the Institution following the death of her son.	Discontinued (Client)
88-140-0016	Alleges Child and Family Services agency is not providing adequate service to family.	Information Supplied
88-140-0017	Inmate alleges unfair discipline and physical abuse at correctional facility.	Discontinued (Client)
88-140-0018	Concern that Child and Family Services agency may not adequately investigate emotional abuse allegations.	Assistance Rendered
88-140-0019	Foster parents allege inappropriate treatment by child caring agency.	Pending
88-140-0020	Inmate alleges unreasonable order made in an innapropriate manner by a guard.	Resolved
88-140-0021	Monitoring of policy of Remand Centre re: inmate handout	Pending
88-140-0022	Alleges incorrect spelling of name on document caused financial loss.	Resolved
88-140-0023	Inmate concerned over type of tooth cleaning utensil provided.	Resolved
88-140-0024	Feels rules at youth correctional facility are too strict.	Pending
88-140-0025	Concerns related to treatment of inmates of correctional facility.	Resolved
88-140-0026	Inmate classified as maximum security alleging unfair classification and inappropriate treatment by correctional officers.	Resolved
88-140-0027	Inmate complaining about not being given toothpaste, laundry not being done, hair in food, and telephones not being turned on early enough.	Resolved
88-140-0028	Inmate claims unfair classification, alleging influence by his mother-in-law, a guard at the Institution.	Discontinued (Client)
88-140-0029	Inmate alleges he is being kept in Institution past his release date.	Not Supported
88-140-0030	Inmate seeking information re status of his request for early release	Assistance Rendered
88-140-0031	Inmate fears prison doctor will not allow him further medical treatment by outside specialist.	Discontinued (Client)
88-140-0032	Inmate alleges unfair treatment by guards.	Not Supported
88-140-0033	Inmate alleging poor attitude by guard.	Information Supplied
88-140-0034	Inmate seeking clarification re status of his application to be placed in half-way house	Information Supplied

88-140-0035	Re: Inmate concerned over phones allegedly not being made available during prescribed hours.	Resolved
88-140-0036	Inmate alleges unfair Disciplinary Board Hearing and that he is being denied opportunity to appeal.	Assistance Rendered
88-140-0037	Complaint regarding apprehension of infant by Child and Family Services agency.	Not Supported
88-140-0038	Inmate expressing concern about medical treatment, and right to refuse work because of injury.	Information Supplied
88-140-0039	Complainant alleges that the Department records of his maintenance payments are not accurate.	Not Supported
88-140-0040	Inmate's fiancee having trouble arranging visits.	Resolved
88-140-0041	Inmate alleging harassment by another inmate.	Discontinued (Client)
88-140-0042	Inmate alleges unfair treatment at correctional facility.	Not Supported
88-140-0043	Inmate is unhappy with the conditions attached to his Temporary Leave.	Resolved
88-140-0044	Concern over apprehension of son and the care received in foster homes.	Pending
88-140-0045	Inmate's friend feels it is unfair that inmate's release hour will not be advanced.	Not Supported
88-140-0046	Inmate alleging that his requests to see a doctor were ignored	Resolved
88-140-0047	Inmate objects to being moved from one cell block to another.	Information Supplied
88-140-0048	Inmate expressing concerns about medical and dietary matters; request to see Salvation Army personnel; obtaining a haircut; and obtaining an inmate information booklet.	Assistance Rendered
88-140-0049	Social allowance recipient requesting that Ombudsman audit Economic Security Office.	Declined
88-140-0050	Inmate alleges that the Institution is ignoring his request to contact the Police Department.	Information Supplied
88-140-0051	Concern over release date and loss of good time.	Not Supported
88-140-0052	Complaint regarding smoking policies at Youth Centre.	Not Supported
88-140-0053	Questions re release date and time served by inmate.	Information Supplied
88-140-0054	Inmate feels he should be allowed to wear his wedding band.	Resolved
88-140-0055	Inmate alleges unfair treatment.	Discontinued (Client)
88-140-0056	Allegation that money issued to a caregiver to replace a ward's stolen bicycle was not used for that purpose.	Resolved
88-140-0057	Feels Government should provide legal services.	Discontinued (Client)
88-140-0058	Allegation of threats by Correctional Officer and miscellaneous concerns.	Resolved

88-140-0059	Inmate denies allegation that he made threatening remarks to another inmate.	Resolved
88-140-0060	Apprehension of children by Child and Family Services agency.	Discontinued (Client)
88-140-0061	Alleges Child and Family Service agency refusing to assist in dealing with family problems.	Not Supported
88-140-0062	Inmate questions release date.	Information Supplied
88-140-0063	Inmate feels he should have been released.	Not Supported
88-140-0064	Parents disagree with apprehension of children.	Declined
88-140-0065	Alleges that medical treatment is being denied.	Not Supported
88-140-0066	Concerns over medication being prescribed.	Information Supplied
88-140-0067	Questions adequacy of medical and dental treatment.	Not Supported
88-140-0068	Dissatisfied with decision by physician regarding medication.	Information Supplied
88-140-0069	Youth complaining about program at youth centre.	Resolved
88-140-0070	Concerns over control of personal property in adult and youth correctional facilities.	Resolved
88-140-0071	Inmate alleges he was provoked into assaulting guard and then was himself assaulted by guards.	Information Supplied
88-140-0072	Inmate, being held in segregation, alleges unfair treatment.	Not Supported
88-140-0073	Inmate alleges no response given to his requests to call his lawyer.	Resolved
88-140-0074	Foster parent alleges mistreatment by child care agency.	Pending
88-140-0075	Inmate alleges unfair treatment by nurse.	Discontinued (Client)
88-140-0076	Inmate allegedly treated unfairly by guards.	Discontinued (Ombudsman)
88-140-0077	Alleges unfair treatment by social workers.	Not Supported
88-140-0078	Alleges delay by Department in paying child day care workers.	Discontinued (Client)
88-140-0079	Inmate seeking transfer to mental health centre.	Pending
88-140-0080	Inmate feels his visitors, wife and daughter, should not have been searched.	Not Supported
88-140-0081	Inmate has concerns over the manner in which his medication is being administered.	Information Supplied
88-140-0082	Monitor Inquest.	Pending
88-140-0083	Inmate alleges unfair denial of kitchen job.	Not Supported
88-140-0084	Dispute regarding Child and Family Services agency objecting to return of child to natural parents.	Discontinued (Client)
88-140-0085	Inmate alleges unfair treatment by guards.	Pending
88-140-0086	Unhappy with actions of worker regarding apprehension of child.	Discontinued (Client)

88-140-0087	Complainant alleges unfair denial of visit with his brother, an inmate at correctional institution.	Not Supported
88-140-0088	Inmate alleges that protective custody inmates are being treated unfairly.	Information Supplied
88-140-0089	Inmate alleges full breakfasts being denied.	Information Supplied
88-140-0090	Former inmate complaining about food in the correctional facilities.	Not Supported
88-140-0091	Inmate alleging problems re date of release.	Information Supplied
88-140-0092	Feels application for training as a volunteer worker was not assessed fairly.	Discontinued (Client)
88-140-0093	Alleges intermittents (part time inmates) being made to sleep on mattresses on floor when bunks are available; also alleging other unfair treatment.	Information Supplied
88-140-0094	Enquiries re: financial resources available to teenagers living independently in the community.	Pending
88-140-0095	Review of alleged improper handling of child abuse case.	Pending
88-140-0096	Alleges financial loss due to refusal of Day Care Licence and process she was required to follow in making application for a licence.	Pending
88-140-0097	Objects to department's proposal to place brother in personal care home rather than return him to group home where he resided prior to hospitalization.	Not Supported
88-140-0098	Inquiries re admission criteria for children admitted to youth centre.	Pending
88-140-0099	Complainant seeking access to his child; alleges he is unable to obtain information from Department.	Assistance Rendered
88-140-0100	Alleges agency not properly investigating abuse allegations.	Pending
88-140-0101	Interprovincial protocols for referral of high risk or abuse cases.	Pending
88-140-0102	Concerns regarding apprehension and placement of infant.	Information Supplied
88-140-0103	Mother requesting help in getting counselling for sexually abused child.	Information Supplied
88-140-0104	Youth requesting assistance with problem.	Assistance Rendered
88-140-0105	Youth requesting assistance with problems.	Assistance Rendered
88-140-0106	Concerned over actions taken by school officials and Child and Family Services agency following report by child.	Information Supplied
88-140-0107	Child being held in adult correctional facility.	Pending
88-140-0108	Concerns re apprehension of children.	Pending
88-140-0109	Concern over agency's investigation into allegations of sexual abuse.	Pending
88-140-0110	Parents concerned over apprehension of children.	Pending

88-140-0111	Concern over decision to relocate mentally disabled individual.	Discontinued (Client)
88-140-0112	Inmate expressing concerns about access to her own clothing, access to a dentist, refusal of library privileges and several other matters.	Not Supported
88-140-0113	Foster parent objecting to outcome of review of removal of child.	Discontinued (Ombudsman)
88-140-0114	Concerns re apprehension of daughter and her treatment in group home.	Discontinued (Client)
88-140-0115	Inquiries re training and standards for community residences.	Pending
88-140-0116	Concerned over re-apprehension of daughter.	Pending
88-140-0117	Foster parents expressing concern over agency's handling of placement of foster child.	Pending
88-140-0118	Generally unhappy with Child and Family Services agency and wants it closed to stop the spread of diseases.	Declined
88-140-0119	Seeking clarification re agency's refusal to provide information.	Pending
88-140-0120	Concerned re supervision of son in group home.	Pending
88-140-0121	Lack of assistance from Child and Family Services agency.	Assistance Rendered
88-140-0122	Parent concerned with welfare of children.	Pending
88-140-0123	Concerned about treatment received at a residential care home.	Pending
88-140-0124	Alleges Child and Family Services agency not investigating abuse allegations quickly enough.	Pending
88-140-0125	Operators of special care home objecting to requirement that there be 24 hour supervision of clients.	Pending
88-140-0126	Monitoring of Department's investigation of school division's handling of sexual assault complaints.	Pending
88-140-0127	Feels child abuse investigation was handled poorly.	Pending
88-140-0128	Monitoring Department's response to Judge's call for an inquiry into native child care agency's handling of case.	Pending
88-140-0129	Concerns re agency's handling of abuse allegations.	Pending
88-140-0130	Father attempting to make contact with daughter under Child and Family Services care; also expressing concern that his son may be at risk.	Assistance Rendered
88-140-0131	Parents expressing concern re care being given to their children who were apprehended.	Pending
88-140-0132	Youth seeking help re obtaining financial assistance.	Assistance Rendered
88-140-0133	Monitor Inquest.	Pending
88-140-0134	Requests assistance in locating adopted sisters.	Pending

88-140-0135	Monitoring role of Child and Family Services agency in case involving child who was stabbed to death.	Pending
88-140-0136	Alleges biased and unfair treatment re application for funded day care space	Pending
88-140-0137	Family requesting assistance in contacting adopted children	Pending
88-140-0138	Concerns regarding child taken in care by agency	Pending

Co-operative, Consumer and Corporate Affairs — 4

88-150-0001	Alleges rudeness by Department official.	Discontinued (Client)
88-150-0002	Unhappy with investigation done by Office of Superintendent of Insurance.	Not Supported
88-150-0003	Alleges unjustly denied a licence to work as a Life Insurance Agent.	Discontinued (Client)
88-150-0004	Unhappy with actions of Office of Superintendent of Insurance re: his complaint	Pending

Corporations and Extra Departmental — 12

88-170-0001	Alleges unfair treatment by Manitoba Telephone System.	Discontinued (Client)
88-170-0002	Dispute with telephone company over request for deposit.	Discontinued (Client)
88-170-0003	Alleges winning ticket stolen by lottery booth official.	Information Supplied
88-170-0004	Alleges Manitoba Telephone System unfairly charging customers for phone calls not completed.	Discontinued (Client)
88-170-0005	Alleges arbitrary and discriminatory treatment by Manitoba Lottery Foundation in the termination of employment.	Resolved
88-170-0006	Monitor Inquest.	Pending
88-170-0007	Concerns with regard to one minute telephone calls being charged to customers.	Pending
88-170-0008	Questions concerning cost paid for private telephone line and possibility of reimbursement.	Resolved
88-170-0009	Complainant alleging unfair requirement to pay bill under threat of disconnection.	Resolved
88-170-0010	Alleges Manitoba Telephone System is not taking action to compensate for damage caused to building during construction.	Pending
88-170-0011	Concerned over proposed rate increase by Manitoba Telephone System.	Pending
88-170-0012	Alleges unfair disconnection of telephone service.	Resolved

Education — 11

88-200-0001	Feels granddaughter has been treated unfairly by Student Aid.	Information Supplied

88-200-0002	Unhappy with decision of Student Aid Appeal Board.	Pending
88-200-0003	Community College student expressing concerns re quality of education and fairness to student at the college.	Pending
88-200-0004	Alleges dates on Student Aid notifications of award do not reflect actual dates when awards will be available.	Resolved
88-200-0005	Complainant feels the requesting of certain information by the Student Aid Branch is an invasion of privacy.	Not Supported
88-200-0006	Monitoring of Department's investigation of school division's handling of sexual assault complaints.	Pending
88-200-0007	Disagrees with decision denying certification as a teacher.	Resolved
88-200-0008	Feels Student Aid affirmative action incentive is discriminatory.	Information Supplied
88-200-0009	Feels it is unfair that Manitoba pension regulations do not allow him to qualify for a pension re his 19 years of teaching.	Pending
88-200-0010	Parents seeking help to obtain education program for their son.	Pending
88-200-0011	Alleges that the Post Secondary Career Development Branch is using unfair financial policies	Pending

Employment Services and Economic Security — 47

88-210-0001	Landlord complaining that Department has not paid rent on behalf of tenant.	Discontinued (Client)
88-210-0002	Additional financial support requested for care of grandson.	Information Supplied
88-210-0003	Feels she should be entitled to social allowance medical benefits.	Information Supplied
88-210-0004	Social allowances recipient feels department should provide bus ticket for travel to another province.	Not Supported
88-210-0005	Denied taxi fare to take daughter to doctor's appointment.	Information Supplied
88-210-0006	Questioning location of his social assistance file.	Information Supplied
88-210-0007	Landlord feels tenant should receive more social assistance for rent.	Not Supported
88-210-0008	Difficulties involving lien on property.	Not Supported
88-210-0009	Difficulty obtaining social allowance cheque.	Not Supported
88-210-0010	Unhappy with amount of allowance granted for funeral costs.	Assistance Rendered
88-210-0011	Alleges Department is delaying granting social allowance to her sister.	Discontinued (Client)
88-210-0012	Refused special financial assistance to cover cost of jaw braces.	Pending

88-210-0013	Unable to obtain allowance for special needs and home repair.	Resolved
88-210-0014	Unhappy with decision of Social Services Advisory Committee Appeal Board.	Information Supplied
88-210-0015	Social allowance recipient alleging problems obtaining reimbursement for certain home care expenses.	Not Supported
88-210-0016	Unhappy with wording of decision and conduct of hearing by Social Services Advisory Committee.	Information Supplied
88-210-0017	Alleges harassment by officials re picking up social allowances cheque.	Not Supported
88-210-0018	Alleges unfair and unreasonable treatment by Economic Security office.	Not Supported
88-210-0019	Difficulty obtaining financial assistance to help with move from city to rural area.	Discontinued (Client)
88-210-0020	Overpayment of social allowance and return of health card.	Not Supported
88-210-0021	Alleges unfair treatment by social allowance worker.	Information Supplied
88-210-0022	Problem re overpayment of social allowance and cancellation of health card.	Not Supported
88-210-0023	Complainant alleges difficulty dealing with Economic Security Officer.	Assistance Rendered
88-210-0024	Feels his social allowance benefits should not have been reduced.	Information Supplied
88-210-0025	Feels he should be granted social allowance to move to another province.	Not Supported
88-210-0026	Problem re cancellation of social allowances benefits and demand for repayment of overpayment.	Not Supported
88-210-0027	Alleges improper recovery of overpayment.	Pending
88-210-0028	Problems relating to amount of social allowance benefits.	Pending
88-210-0029	Feels lost social allowance monies should be replaced by Economic Security office.	Not Supported
88-210-0030	Alleging difficulties because social allowance cheque did not arrive on time.	Resolved
88-210-0031	Alleges that she is getting the "run around" in dealing with Economic Security office.	Information Supplied
88-210-0032	Alleges inappropriate conduct by staff of Economic Security office.	Declined
88-210-0033	Feels assistance is being unnecessarily delayed.	Assistance Rendered
88-210-0034	Social allowance recipient seeking replacement of lost cheque.	Resolved
88-210-0035	Alleges department not adequately looking after special needs of social allowance recipient.	Not Supported

88-210-0036	Reportedly having problems obtaining response to special need request.	Not Supported
88-210-0037	Problem re: termination of social allowance.	Assistance Rendered
88-210-0038	Department refusing to financially support change of residence by social allowance recipient.	Not Supported
88-210-0039	Feels Department should be responsible for paying moving and storage charges.	Resolved
88-210-0040	Alleges unfair refusal by Department to advance payment of benefit.	Not Supported
88-210-0041	Alleges unfair denial of student social allowance.	Pending
88-210-0042	Alleges unfair decision by Social Services Advisory Committee.	Not Supported
88-210-0043	Expressing concern over form Department is requesting her to sign.	Pending
88-210-0044	Feels Department should have replaced "lost" money by cash rather than by cheque.	Not Supported
88-210-0045	Alleges unfair treatment re social allowance.	Not Supported
88-210-0046	Unhappy that Department will not approve move which would require higher rent payments.	Information Supplied
88-210-0047	Feels rules for "55 Plus" program discriminates against social assistance recipients	Pending
Energy and Mines — 1		
88-220-0001	Follow-up re recommendations of Judge on Inquest.	Pending
Environment and Workplace Safety and Health — 7		
88-230-0001	Complainant alleges that the investigation conducted by the Inspectors at Workplace Safety and Health into her situation was inadequate.	Assistance Rendered
88-230-0002	Follow-up re Inquest recommendations.	Resolved
88-230-0003	Alleges Clean Environment Commission not enforcing legislation in matter involving intolerable odour.	Pending
88-230-0004	Dissatisfied with refusal by Department to release investigation report.	Pending
88-230-0005	Alleging Department is not responding seriously to complaint re hog farm liquid waste problem.	Discontinued (Client)
88-230-0006	Follow-up re recommendations of Judge on Inquest.	Pending
88-230-0007	Follow-up re recommendation of Judge on Inquest.	Pending
Federal Departments and Agencies — 8		
88-240-0001	Seeking to have income tax penalty waived.	Information Supplied
88-240-0002	Objecting to refusal of disability benefits under the Canada Pension Plan.	Information Supplied
88-240-0003	Difficulties concerning eligibility for Canada Pension Plan disability benefits.	Information Supplied

88-240-0004	Unable to obtain disability benefits under Canada Pension Plan.	Assistance Rendered
88-240-0005	Feels she is being treated unfairly by the Canada Employment Centre.	Declined
88-240-0006	Requesting assistance re problem with CMHC.	Declined
88-240-0007	Complainant alleging unfair audit and harassment by Revenue Canada.	Information Supplied
88-240-0008	Plumbing allegedly not installed in home built under Canada Mortgage and Housing Corporation program.	Assistance Rendered
Finance — 3		
88-250-0001	Complainant feels he should receive provincial sales tax refund.	Not Supported
88-250-0002	Feels it is unfair that sales tax can be collected on an article each time it is sold.	Not Supported
88-250-0003	Feels the provisions of The Retail Sales Tax Act covering rebates are unfair.	Information Supplied
Government Services — 2		
88-260-0001	Concerns over process of Manitoba Disaster Assistance Board.	Pending
88-260-0002	Complainant being asked to repay employer an overpayment which was caused by the denial of his Worker's Compensation claim being retroactively enforced.	Pending
Health — 69		
88-270-0001	Psychiatric patient seeking review of status	Information Supplied
88-270-0002	Patient alleges that she was improperly apprehended by the police and would like to be released from Mental Health Institution.	Information Supplied
88-270-0003	Psychiatric patient alleges unfair restriction of phone privileges	Not Supported
88-270-0004	Alleges illegal admittance to psychiatric facility	Not Supported
88-270-0005	Patient wishing to be released from psychiatric facility.	Information Supplied
88-270-0006	Psychiatric patient seeking information pamphlet on drugs and alcohol.	Information Supplied
88-270-0007	Complainant alleges difficulty obtaining home care medical supplies.	Resolved
88-270-0008	Difficulties re outdoor wheelchair lift.	Resolved
88-270-0009	Psychiatric patient seeking status review and release from institution.	Information Supplied
88-270-0010	Complainant feels Health Services Commission's policies discriminate against females.	Information Supplied

88-270-0011	Patient wishing to be released from psychiatric facility.	Discontinued (Client)
88-270-0012	Unhappy with psychologist's assessment of son.	Declined
88-270-0013	Psychiatric patient feels it is unfair that some patients receive free cigarettes and others don't.	Information Supplied
88-270-0014	Alleges inadequate health care for her community.	Assistance Rendered
88-270-0015	Psychiatric patient wishes to be released from mental health facility.	Information Supplied
88-270-0016	Psychiatric patient wishes to be released from psychiatric facility.	Information Supplied
88-270-0017	Psychiatric patient would like to be released from hospital.	Information Supplied
88-270-0018	Patient of psychiatric facility alleging nurses and patients stealing from him.	Information Supplied
88-270-0019	Psychiatric patient objects to treatment.	Information Supplied
88-270-0020	Psychiatric patient wants to be released.	Information Supplied
88-270-0021	Patient wants to be released.	Information Supplied
88-270-0022	Patient wants to be released from mental health centre.	Pending
88-270-0023	Patient wishes to be released from mental health centre.	Information Supplied
88-270-0024	Mother disagrees with fact that her son, on probation from mental health facility, has to return there regularly for medication.	Assistance Rendered
88-270-0025	Alleges improper admission to psychiatric facility.	Pending
88-270-0026	Alleges unfair treatment by Manitoba Health Services Commission re out of province claim.	Resolved
88-270-0027	Claims physical abuse from the nursing staff of psychiatric facility.	Information Supplied
88-270-0028	Questions role and actions of continuing care worker in looking after her former common law husband.	Discontinued (Client)
88-270-0029	Alleges unfair decision by Manitoba Health Services Commission re treatment for neck problem.	Discontinued (Client)
88-270-0030	Psychiatric patient seeking clarification re status and privileges.	Assistance Rendered
88-270-0031	Patient questioning his admission to psychiatric facility.	Discontinued (Ombudsman)
88-270-0032	Alleges illegal confinement of wife to mental health centre twelve years ago.	Declined
88-270-0033	Patient wishes to be released from psychiatric facility.	Information Supplied
88-270-0034	Feels that Manitoba Health Services Commission should pay out-of-province medical bill.	Not Supported
88-270-0035	Patient alleging improper treatment at psychiatric facility.	Not Supported
88-270-0036	Patient at psychiatric facility seeking a review, re mental competency to consent.	Assistance Rendered

88-270-0037	Seeking clarification re The Mental Health Act provision re access to writing materials by patients in psychiatric facilities.	Pending
88-270-0038	Alleges abusive and inappropriate treatment by home care orderlies.	Not Supported
88-270-0039	Concern over well-being and treatment of patient of mental health centre who was transferred to general hospital.	Discontinued (Ombudsman)
88-270-0040	Concerned about treatment received at mental health centre.	Discontinued (Client)
88-270-0041	Advocate requesting that Ombudsman's office visit mental health patient to discuss concerns.	Assistance Rendered
88-270-0042	Former psychiatric patient seeking compensation for being treated against his wishes.	Declined
88-270-0043	Psychiatric patient wishes to be released from hospital.	Information Supplied
88-270-0044	Psychiatric patient complaining about treatment and medication.	Information Supplied
88-270-0045	Psychiatric patient wants to be released.	Information Supplied
88-270-0046	Feels reimbursement under the Manitoba Eyeglasses Program is inadequate.	Not Supported
88-270-0047	Psychiatric patient feels he was improperly admitted.	Not Supported
88-270-0048	Voluntary psychiatric patient objects to status being changed to involuntary.	Information Supplied
88-270-0049	Alleges department is not responding seriously to complaint re hog farm liquid waste problem.	Discontinued (Client)
88-270-0050	Psychiatric patient indicating that two other patients are requesting help from our office.	Discontinued (Ombudsman)
88-270-0051	Psychiatric patient wishes to be released from mental health facility.	Information Supplied
88-270-0052	Psychiatric patient alleges he is being held unlawfully.	Not Supported
88-270-0053	Patient expressing concerns about meals and smoking in hospital.	Pending
88-270-0054	Objecting to the termination of home care services.	Discontinued (Client)
88-270-0055	Psychiatric patient seeking information re disability pension; treatment; and status.	Information Supplied
88-270-0056	Psychiatric patient wishes to be released from mental health centre.	Information Supplied
88-270-0057	Applicant for Manitoba Health Services Commission card feels she should not have to supply certain information which has been requested.	Pending
88-270-0058	Complainant requesting assistance to obtain a change of mental health worker.	Not Supported
88-270-0059	Psychiatric patient seeking change of doctors.	Pending
88-270-0060	Patient alleges unfair treatment at mental health centre.	Pending

88-270-0061	Patient alleges inappropriate treatment at mental health centre.	Pending
88-270-0062	Psychiatric patient wishes to be released from hospital.	Information Supplied
88-270-0063	Patient seeking release from psychiatric facility and also expressing concern about numerous transfers to various wards within the Institution.	Pending
88-270-0064	Involuntary psychiatric patient wishes to be released from mental health centre.	Information Supplied
88-270-0065	Alleges staff of mental health centre violated his rights by communicating with his family against his wishes.	Not Supported
88-270-0066	Patient wishes to be released from psychiatric facility	Discontinued (Client)
88-270-0067	Monitor Inquest.	Pending
88-270-0068	Monitor Inquest.	Pending
88-270-0069	Involuntary patient on psychiatric ward alleges inappropriate and unfair treatment by staff.	Information Supplied

Highways and Transportation — 54

88-280-0001	Alleges unfair and unequal treatment by Taxicab Board.	Pending
88-280-0002	Dispute over driver licence fee.	Discontinued (Client)
88-280-0003	Review of system of awarding merit points	Pending
88-280-0004	Feels system of awarding merit points to drivers is unfair	Pending
88-280-0005	Driver, with a good driving record, concerned over lack of merit points on driver licence.	Pending
88-280-0006	Alleges unfair assessment of merit points	Pending
88-280-0007	Concern over merit point system.	Pending
88-280-0008	Concerns over merit point system.	Pending
88-280-0009	Concern over merit point system	Pending
88-280-0010	Concern over merit point system.	Pending
88-280-0011	Concern over merit point system.	Pending
88-280-0012	Concern over merit point system	Pending
88-280-0013	Concern over merit point system	Pending
88-280-0014	Concern over merit point system.	Pending
88-280-0015	Feels his driver licence has been unfairly suspended.	Not Supported
88-280-0016	Alleges Highway Traffic Board inappropriately issued permit to allow subdivision.	Pending
88-280-0017	Concern over merit point system.	Pending
88-280-0018	Concern over merit point system.	Pending
88-280-0019	Concern over merit point system.	Pending
88-280-0020	Concern over merit point system	Pending
88-280-0021	Concern over merit point system.	Pending

88-280-0022	Concern over merit point system.	Pending
88-280-0023	Concern over merit point system.	Information Supplied
88-280-0024	Concern over merit point system.	Pending
88-280-0025	Complainant alleges that his driving record at the Motor Vehicles Branch is not accurate.	Discontinued (Client)
88-280-0026	Feels the Motor Vehicle Branch acted inappropriately in suspending driver licence.	Not Supported
88-280-0027	Dispute over the awarding of merit marks on driver licence.	Pending
88-280-0028	Concern over inability to receive merits based on out-of-province driving record.	Pending
88-280-0029	Concern over merit point system.	Pending
88-280-0030	Concern over merit point system.	Pending
88-280-0031	Objects to surcharge on driver licence due to demerit points.	Information Supplied
88-280-0032	Alleges inadequate handling of vehicle safety matter.	Discontinued (Client)
88-280-0033	Concern over merit point system.	Pending
88-280-0034	Alleges unfair treatment by Department re request to have road paved.	Discontinued (Client)
88-280-0035	Feels Manitoba driver's record should not reflect driver history from another province.	Not Supported
88-280-0036	Concern over merit point system.	Pending
88-280-0037	Concern over merit point system.	Pending
88-280-0038	Seeking remission of driver licence suspension.	Information Supplied
88-280-0039	Objects to the design of proposed highway.	Pending
88-280-0040	Concern re inability to read message on highway sign due to size and location of sign.	Resolved
88-280-0041	Alleges unfair dismissal by Department.	Not Supported
88-280-0042	Senior citizen feels it is unfair that the Department is asking him to have a physical and a driver's test.	Not Supported
88-280-0043	Objecting to Department's suspension of driver licence.	Not Supported
88-280-0044	Complainant alleging unfair action by Department in requiring her to attend a Show Cause Hearing.	Not Supported
88-280-0045	Objecting to requirements that must be met in order to obtain driver licence.	Not Supported
88-280-0046	Alleges rudeness and poor administration at driver testing facility.	Discontinued (Client)
88-280-0047	Feels Department is being unfair in insisting that he haul machine on a trailer rather than tow it behind his truck.	Resolved
88-280-0048	Feels suspended driver licence should be reinstated and that he should not have to comply with requirement of abstaining from all alcoholic beverages.	Not Supported
88-280-0049	Driver alleging unfair cancellation of merit points.	Not Supported

88-280-0050	Suspended driver questioning conditions set forth in order for him to qualify again to operate a motor vehicle.	Pending
88-280-0051	Driver feels it is unfair that he is required to attend the Alcoholism Foundation of Manitoba for assessment.	Pending
88-280-0052	Objects to having to fulfill two requirements by Driver and Vehicle Licencing, i.e. to submit a medical report and appear for a driver interview/examination.	Pending
88-280-0053	Objecting to loss of merit point for traffic control conviction.	Pending
88-280-0054	Feels 5 year suspension of driver licence is too severe.	Information Supplied
Housing — 33		
88-290-0001	Unhappy with decision of Rentalsman re security deposit.	Not Supported
88-290-0002	Unhappy with Rentalsman's response to his concerns.	Discontinued (Client)
88-290-0003	Alleges Rentalsman failed to resolve tenant's problem.	Not Supported
88-290-0004	Complainant objects to the Rent Appeal Board's decision.	Pending
88-290-0005	Complainant seeking status report on case involving damage to personal property.	Information Supplied
88-290-0006	Feels Rentalsman's Office is taking too long to resolve landlord/tenant problem.	Information Supplied
88-290-0007	Employer-Employee dispute over payment of group life insurance premiums.	Discontinued (Ombudsman)
88-290-0008	Feels the Rentalsman's Office is one sided.	Information Supplied
88-290-0009	Dissatisfied with actions by the Office of the Rentalsman.	Discontinued (Client)
88-290-0010	Tenant unhappy with decision of Rentalsman to allow landlord's claim to security deposit.	Discontinued (Client)
88-290-0011	Alleges improper investigation and unfair and unreasonable decision by Rentalsman.	Discontinued (Client)
88-290-0012	Questions role of Rentalsman in providing advice to City re water bill dispute.	Not Supported
88-290-0013	Alleges undue holding of security deposit cheque.	Discontinued (Client)
88-290-0014	Alleges Landlord and Tenant Affairs is not assisting her with landlord/tenant problem.	Discontinued (Client)
88-290-0015	Alleges undue delay in settling security deposit dispute.	Information Supplied
88-290-0016	Alleges Landlord and Tenant Affairs Branch did not adequately review his problem.	Not Supported
88-290-0017	Feels Department is responsible for repairing windows allegedly improperly installed under housing program.	Resolved

88-290-0018	Feels Landlord and Tenant Affairs Branch taking too long to handle complaint.	Information Supplied
88-290-0019	Complainant alleges that he is denied access to a public meeting by Housing Authority.	Information Supplied
88-290-0020	Unable to obtain public housing unit.	Information Supplied
88-290-0021	Concerned over not having heard from Department re landlord/tenant problem.	Discontinued (Client)
88-290-0022	Alleges inappropriate treatment by Rentalsman's Office.	Not Supported
88-290-0023	Feels he is being treated unfairly by Housing Authority.	Information Supplied
88-290-0024	Allegation of inaction by Rentalsman's Office.	Assistance Rendered
88-290-0025	Complainant expressing concern about senior citizen who has been refused public housing accommodation.	Resolved
88-290-0026	Problems with contractor re home repairs done under government program.	Resolved
88-290-0027	Alleges unfair handling of security deposit dispute.	Information Supplied
88-290-0028	Objects to decision and procedure of Rent Appeals Branch.	Pending
88-290-0029	Disputes reasons for eviction from housing unit.	Pending
88-290-0030	Alleges unfair handling of security deposit dispute.	Pending
88-290-0031	Alleges unfair decision by Landlord and Tenant Affairs Branch.	Pending
88-290-0032	Alleges Landlord and Tenant Affairs Branch neglected to follow the law.	Pending
88-290-0033	Alleges unfair treatment by Manitoba Housing and Renewal Corporation re mortgage.	Pending

Manitoba Hydro — 25

88-300-0001	Feels action taken by Manitoba Hydro to correct billing error is unfair.	Discontinued (Client)
88-300-0002	Request for assistance in arranging payment of arrears.	Declined
88-300-0003	Billing dispute.	Not Supported
88-300-0004	Concern over high voltage hydro cables located on his property.	Discontinued (Client)
88-300-0005	Billing dispute involving disconnection of service.	Discontinued (Ombudsman)
88-300-0006	Billing dispute.	Resolved
88-300-0007	Alleges unfair disconnection of power.	Not Supported
88-300-0008	Billing dispute, allegedly involving overcharging to customer.	Resolved
88-300-0009	Complainant feels Manitoba Hydro should not apply her live-in boyfriend's unpaid bill to her account.	Discontinued (Client)
88-300-0010	Alleges that he has been unfairly denied re-employment.	Pending

88-300-0011	Dispute over hydro bill.	Not Supported
88-300-0012	Feels disconnection of power because of arrears is unreasonable.	Not Supported
88-300-0013	Alleges that officials misled him to resign from his employment.	Not Supported
88-300-0014	Dispute over liability for damages caused by power surge.	Not Supported
88-300-0015	Seeking explanation re amount charged for relocation of hydro pole.	Information Supplied
88-300-0016	Seeking reimbursement for eleven years of over-payment of hydro bill as opposed to the seven years reimbursement being allowed by Manitoba Hydro.	Discontinued (Client)
88-300-0017	Billing dispute.	Pending
88-300-0018	Billing dispute.	Not Supported
88-300-0019	Alleging unfair treatment by Manitoba Hydro re outstanding bill.	Not Supported
88-300-0021	Concerns re hydro bill and method of billing for hot water heater.	Information Supplied
88-300-0022	Billing dispute involving termination of hydro service.	Resolved
88-300-0023	Alleges misrepresentation and lack of responsibility exercised by Manitoba Hydro re alleged energy efficient home.	Pending
88-300-0024	Alleges unfair denial of hydro service.	Resolved
88-300-0025	Alleged billing error	Resolved
Labour — 16		
88-320-0001	Employee alleges that she has been harassed and treated unfairly by her supervisor.	Information Supplied
88-320-0002	Concerns over Manitoba Labour Board's handling of complaint.	Not Supported
88-320-0003	Alleges unfair review of complaint by Employment Standards Branch.	Not Supported
88-320-0004	Alleges undue delay in processing his application to write mechanics examination.	Discontinued (Client)
88-320-0005	Alleges delays in resolving a dispute with a former employer.	Information Supplied
88-320-0006	Feels Department taking too long investigating complaint re unpaid wages.	Discontinued (Client)
88-320-0007	Unhappy with Manitoba Labour Board's handling of cases.	Discontinued (Client)
88-320-0008	Alleges Manitoba Labour Board is justifying its decision with false information.	Discontinued (Client)
88-320-0009	Feels Manitoba Labour Board acted unfairly.	Pending
88-320-0010	Not satisfied with Department's response to his complaint.	Not Supported
88-320-0011	Seeking clarification of Department's response that it cannot assist him with employer/employee dispute.	Assistance Rendered

88-320-0012	Disputes Manitoba Labour Board's decision.	Pending
88-320-0013	Feels he has been unfairly denied permission to write complete set of examinations for a First Class Power Engineer's Certificate.	Pending
88-320-0014	Alleges undue delay by Labour Board in reaching a decision on her claim.	Pending
88-320-0015	Feels error made re increase to boiler inspection fee.	Not Supported
88-320-0016	Unhappy with the decision of the Manitoba Labour Board.	Pending

Municipal Affairs — 4

88-330-0001	Alleges inaction by Department re weed control and drainage problem in subdivision development.	Not Supported
88-330-0002	Concerns over awarding of public tender.	Discontinued (Ombudsman)
88-330-0003	Objects to decision of Municipal Board re assessment appeal.	Not Supported
88-330-0004	Seeking clarification re assessment and taxation problem.	Discontinued (Client)

Municipalities, Cities, Towns, Etc. — 7

88-340-0001	Re: Objecting to increase in water and sewer rate.	Declined
88-340-0002	Concerned that public opinion be expressed in development plan study.	Information Supplied
88-340-0003	Difficulties involving property boundaries.	Assistance Rendered
88-340-0004	Unable to get refund re overpayment of taxes due to assessment error.	Information Supplied
88-340-0005	Complaining that tax roll shows a six acre decrease in size of property.	Pending
88-340-0006	Feels construction of lagoon by town will render useless a portion of his property.	Pending
88-340-0007	Objects to City of Winnipeg spraying program.	Information Supplied

Manitoba Public Insurance Corporation — 97

88-350-0001	Feels Autopac should pay storage charges.	Resolved
88-350-0002	Feels Autopac claim is not being handled properly.	Information Supplied
88-350-0003	Autopac claim dispute.	Not Supported
88-350-0004	Alleges mishandling of Autopac claim.	Discontinued (Client)
88-350-0005	Dispute over amount allowed for car rental.	Resolved
88-350-0006	Autopac claim dispute.	Information Supplied
88-350-0007	Alleged delay in settling Autopac claim.	Information Supplied
88-350-0008	Expressing concern about investigation of Autopac claim.	Discontinued (Client)
88-350-0009	Complainant is unhappy with the actions of Autopac re: settlement dispute.	Information Supplied
88-350-0010	Autopac claim dispute.	Not Supported

88-350-0011	Feels MPIC's proposed Autopac rebate policy is discriminatory against motorcyclists.	Information Supplied
88-350-0012	Autopac claim dispute.	Not Supported
88-350-0013	Alleges unfair refusal of Autopac rate discount.	Pending
88-350-0014	Alleges unfair refusal of Autopac rate discount.	Resolved
88-350-0015	Alleges unfair refusal of Autopac rate discount.	Resolved
88-350-0016	Complainant alleging that Autopac claim offices are not easily accessible to rural residents.	Discontinued (Client)
88-350-0017	Feels he should not be held 50% liable for accident.	Resolved
88-350-0018	Alleges unfair refusal of Autopac rate discount.	Pending
88-350-0019	Alleges unfair refusal of Autopac rate discount.	Pending
88-350-0020	Alleges unfair refusal of Autopac rate discount.	Resolved
88-350-0021	Alleges unfair refusal of autopac rate discount.	Pending
88-350-0022	Complainant feels he is being unfairly refused a change in vehicle registration.	Discontinued (Client)
88-350-0023	Complainant feels Autopac rate discount should apply to his trucks as well as his car.	Information Supplied
88-350-0024	Complainant feels he should not have been asked to pay additional amount to cover Autopac increase mistakenly not charged when he purchased his insurance.	Not Supported
88-350-0025	Complainant feels he has been unfairly classified as high risk for insurance coverage.	Discontinued (Client)
88-350-0026	Claim dispute (delay in settling claim).	Resolved
88-350-0027	Dissatisfied with manner in which settlement was reached.	Not Supported
88-350-0028	Alleges unfair assessment of liability for car accident.	Not Supported
88-350-0029	Feels charging of additional premium, due to miscalculation of original premium, is unfair.	Resolved
88-350-0030	Dispute over liability assessment.	Not Supported
88-350-0031	Concerns over Autopac merit premium program.	Pending
88-350-0032	Alleges problems in settling Autopac claim.	Information Supplied
88-350-0033	Autopac claim dispute.	Not Supported
88-350-0034	Objects to value given to antique car by Autopac adjuster.	Discontinued (Client)
88-350-0035	Objects to reduction of Autopac benefits from full disability payments to partial disability payments.	Pending
88-350-0036	Dispute over liability assessment.	Pending
88-350-0037	Complainant is unhappy with Autopac's handling of the recovery of his collision deductible.	Not Supported
88-350-0038	Alleges Autopac policy discriminates against motorcycle drivers.	Pending
88-350-0039	Alleges unfair treatment re Autopac claim.	Not Supported
88-350-0040	Questions concerning status of Autopac claim.	Resolved
88-350-0041	Feels Autopac liability assessment was wrong.	Resolved

88-350-0042	Difficulties re Autopac claim.	Resolved
88-350-0043	Feels vehicle should not have been towed to Autopac compound without his consent.	Discontinued (Client)
88-350-0044	Seeking assistance in settling Autopac claim.	Pending
88-350-0045	Problem settling Autopac claim.	Not Supported
88-350-0046	Alleges loss of sleeping bags from van while van was in Manitoba Public Insurance Corporation compound.	Resolved
88-350-0047	Complainant feels Manitoba Public Insurance Corporation should attempt to recover his deductible.	Not Supported
88-350-0048	Alleges delays in processing refunds on plates.	Assistance Rendered
88-350-0049	Alleges unfair denial of application to enroll in a Driver Instructor's course.	Assistance Rendered
88-350-0050	Alleges unfair handling of Autopac claim.	Pending
88-350-0051	Concern over merit point system.	Pending
88-350-0052	Alleges undue delay in handling of Autopac claim.	Discontinued (Client)
88-350-0053	Objecting to surcharge on driver licence.	Not Supported
88-350-0054	Alleges unfair treatment re Autopac claim.	Not Supported
88-350-0055	Complainant requests assistance regarding Autopac claim.	Assistance Rendered
88-350-0056	Objects to paying late payment penalty.	Not Supported
88-350-0057	Delay in settling claim.	Pending
88-350-0058	Concern over policy regarding release of witness statements.	Pending
88-350-0059	Feels settlement proposal for vehicle is unfair.	Resolved
88-350-0060	Feels Autopac did an inadequate investigation following accident claim.	Pending
88-350-0061	Objects to the Corporation's failure to properly notify of the due date for time payment of premiums.	Information Supplied
88-350-0062	Disputes Autopac's assessment of liability.	Not Supported
88-350-0063	Requesting investigation of Autopac claim.	Information Supplied
88-350-0064	Alleges unfair handling of Autopac claim by special investigation unit.	Pending
88-350-0065	Concerns re fee for late payment of Autopac.	Pending
88-350-0066	Dispute over Autopac bodily injury claim.	Not Supported
88-350-0067	Assessment of late payment penalty.	Information Supplied
88-350-0068	Objecting to the late payment penalty for Autopac premiums.	Pending
88-350-0069	Autopac claim dispute.	Resolved
88-350-0070	Alleges unfair handling of Autopac claim.	Pending
88-350-0071	Alleges undue delay in reaching decision on Autopac claim.	Pending
88-350-0072	Autopac claim dispute.	Resolved
88-350-0073	Autopac claim dispute.	Pending

88-350-0074	Several concerns re the Corporation's handling of Autopac matters.	Pending
88-350-0075	Alleges disability benefits improperly denied.	Pending
88-350-0076	Alleges unfair denial of insurance coverage.	Pending
88-350-0077	Dispute over repair account and question of whether new or used parts should apply.	Pending
88-350-0078	Autopac claim dispute.	Information Supplied
88-350-0079	Feels Autopac claim has been unfairly handled.	Pending
88-350-0080	Alleges unfair handling of Autopac claim.	Pending
88-350-0081	Alleges unfair handling of Autopac claim.	Pending
88-350-0082	Alleges undue delay in settling of Autopac claim.	Pending
88-350-0083	Autopac claim dispute.	Pending
88-350-0084	Alleges unfair handling of Autopac claim.	Pending
88-350-0085	Alleges unfair assessment of liability for accident.	Pending
88-350-0086	Does not agree with Autopac's decision re claim and liability for accident.	Resolved
88-350-0087	Alleges unfair handling of two Autopac claims and also alleges rudeness by Autopac adjuster.	Pending
88-350-0088	Autopac claim dispute.	Information Supplied
88-350-0089	Seeking assistance re Autopac claim.	Pending
88-350-0090	Alleges unfair handling of Autopac claim.	Pending
88-350-0092	Autopac claim dispute.	Not Supported
88-350-0093	Alleges unfair procedure of assessing liability	Pending
88-350-0094	Delay in receiving cheque for Autopac settlement.	Resolved
88-350-0095	Alleges unfair denial of insurance for snowmobile.	Resolved
88-350-0096	Concerned over Autopac Claim Centre being closed on Fridays; also alleges unfair treatment and intimidation by Autopac.	Pending
88-350-0097	Seeking clarification re status of Autopac claim.	Resolved
88-350-0098	Disagrees with practice of threatening suspension of driver licence for non-payment of insurance premiums.	Pending

Natural Resources — 14

88-360-0001	Unhappy with response of Water Resources Branch to his complaint.	Not Supported
88-360-0002	Small outfitter alleging unfairness in licencing system.	Discontinued (Client)
88-360-0003	Feels decision of Department to evict individual from Crown land is unfair.	Pending
88-360-0004	Complainants feel Department should provide crossing to allow direct access to property.	Discontinued (Client)
88-360-0005	Complainant objects to closing of campground	Not Supported
88-360-0006	Alleges the action of the Lands Branch has reduced the value of his cottage.	Pending
88-360-0007	Objects to the fee charged for occupying Crown land.	Pending

88-360-0008	Feels Department acted unfairly in cancelling Crown land permit.	Pending
88-360-0009	Objecting to denial of taxidermist permit.	Not Supported
88-360-0010	Employee alleging unfair and discriminatory treatment by employer.	Discontinued (Client)
88-360-0011	Objecting to Department's notice to remove dyke.	Pending
88-360-0012	Difficulties involving Conservation Officers.	Information Supplied
88-360-0013	Employee alleging unfair treatment by Department.	Pending
88-360-0014	Alleges department provided incorrect information to Ombudsman five years ago re his complaint about denial of a commercial fishing licence	Pending

Northern Affairs — 1

88-370-0001	Alleges unfair treatment by Department re work contracts.	Declined

Private Matters — 73

88-380-0001	Alleges sorority operating as a politically oriented mind control cult.	Declined
88-380-0002	Individual is seeking information relative to the fees for transporting goods within and between provinces	Information Supplied
88-380-0003	Complaining about court orders.	Information Supplied
88-380-0004	Tenant asking to be released from lease.	Information Supplied
88-380-0005	Customer unhappy with service of photo finishing company.	Assistance Rendered
88-380-0006	House parent for federally funded organization - feels she is being treated unfairly.	Information Supplied
88-380-0007	Concerned over diagnosis of medical doctor	Information Supplied
88-380-0008	Complainant is unhappy with the response provided by the Premier and the Minister of MPIC following request to appear on a television program.	Declined
88-380-0009	Alleges injustice by court of another country.	Declined
88-380-0010	Landlord/tenant problem.	Information Supplied
88-380-0011	Customer unhappy with services provided by home builder.	Assistance Rendered
88-380-0012	Minority group women experiencing difficulty obtaining employment.	Information Supplied
88-380-0013	Individual alleging that her landlord's representative lied about her under oath.	Information Supplied
88-380-0014	Former resident of group home requests compensation for lost bed.	Information Supplied
88-380-0015	Complaining that executive of Law Society will not answer his mail.	Declined
88-380-0016	Concerned over display of "soft/hard pornography" in certain shopping centre stores.	Information Supplied
88-380-0017	Complainant alleges that a Manitoba contractor is reneging on a contract.	Assistance Rendered

88-380-0018	Alleges unfair treatment in application for university research grant.	Declined
88-380-0019	Dentist objecting to decision of Manitoba Dental Association.	Information Supplied
88-380-0020	Alleges unfair hiring practices.	Information Supplied
88-380-0021	Dispute over insurance claim.	Discontinued (Ombudsman)
88-380-0022	Resident of personal care home complaining about family problems.	Assistance Rendered
88-380-0023	Dissatisfied with amendment to The Manitoba Elections Act making Canadian citizenship a prerequisite for voting in provincial elections.	Information Supplied
88-380-0024	Complaints about nursing home and nursing home personnel.	Pending
88-380-0025	Complainant concerned over a book which makes reference to her family.	Information Supplied
88-380-0026	Individual complains that a private heating company is reneging on a contract.	Information Supplied
88-380-0027	Problems obtaining dental surgery for 4 year old son.	Information Supplied
88-380-0028	Alleges conspiracy of lawyers, sheriffs, magistrates, judges and RCMP in bringing about loss of farm.	Information Supplied
88-380-0029	Problem with bank re mortgage.	Assistance Rendered
88-380-0030	Several concerns relating to personal and family matters.	Information Supplied
88-380-0031	Alleges wrongful dismissal of staff of Health Centre.	Declined
88-380-0032	Car dealership will not replace windshield, allegedly defective at the time of purchase.	Assistance Rendered
88-380-0033	Seeking clarification re school board problem.	Discontinued (Client)
88-380-0034	Problem involving claim with Workers Compensation Board of Ontario.	Assistance Rendered
88-380-0035	Requesting assistance in obtaining access to daughter who lives out-of-province.	Information Supplied
88-380-0036	Monitoring inquest re death of youth.	Pending
88-380-0037	Alleges injury caused by glass particles in cabbage rolls.	Information Supplied
88-380-0038	Consumer problem involving purchase of automobile.	Information Supplied
88-380-0039	Alleges harassment, abuse and various other problems.	Information Supplied
88-380-0040	Wanting to apply to Court for access to her birth son who had been placed for adoption.	Information Supplied
88-380-0041	Seeking information re home mail order business.	Assistance Rendered
88-380-0042	Seeking information re business grants.	Assistance Rendered
88-380-0043	Numerous unspecified problems involving insurance, welfare, doctors, lawyers, etc.	Declined

88-380-0044	Tenant objecting to landlord's installation of satellite television system.	Information Supplied
88-380-0045	Unhappy with repair service provided following purchase of used car.	Declined
88-380-0046	Feels employer should be required to provide compensation following injury at work.	Information Supplied
88-380-0047	Unhappy with dealings with a building contractor and a real estate agent.	Declined
88-380-0048	Concern over inability to obtain information relating to mineral rights.	Information Supplied
88-380-0049	Feels he should not have been charged and convicted for speeding.	Declined
88-380-0050	Psychiatric patient seeking information re medical records.	Information Supplied
88-380-0051	Patient wants medical records.	Information Supplied
88-380-0052	Complaint against doctors.	Declined
88-380-0053	Citizen concerned re mentally handicapped man babysitting children.	Information Supplied
88-380-0054	Alleges harassment by employer.	Information Supplied
88-380-0055	Personal problems centering around medical treatment.	Declined
88-380-0056	Alleges children in housing complex being discriminated against by not being allowed to use games room.	Assistance Rendered
88-380-0057	Parking problems caused by use of park for sporting events.	Assistance Rendered
88-380-0058	Complaining about conditions of race track.	Information Supplied
88-380-0059	Feels parking ticket was unfairly given.	Information Supplied
88-380-0060	Alleging negligence by lawyer.	Information Supplied
88-380-0061	Landlord/tenant problem re breaking of a lease.	Information Supplied
88-380-0062	Senior citizen experiencing problem with unpleasant fumes in home.	Pending
88-380-0063	Alleges unfair termination of employment.	Information Supplied
88-380-0064	Complaining about car company not honouring warranty on automobile.	Information Supplied
88-380-0065	Complainant wishes to preserve and protect the sacred burial grounds of her ancestors.	Information Supplied
88-380-0066	Individual seeking advice re obtaining financial assistance.	Information Supplied
88-380-0067	Opposed to proposal to construct senior citizen's home on church property.	Information Supplied
88-380-0068	Complainant found an irregular pill in her medication.	Information Supplied
88-380-0069	Objecting to parking company and collection agency attempting to collect money allegedly owing as result of parking in parking lot.	Information Supplied

88-380-0070	Concerns about differences in rent for similar apartments; also concerned about post office charges for change of address cards.	Pending
88-380-0071	Seeking information re the financing of court case, and obtaining a public hearing.	Pending
88-380-0072	Seeking opinion re personal employment problem.	Information Supplied
88-380-0073	Dispute over administration of estate	Information Supplied

Workers Compensation Board — 39

88-410-0001	Questioning whether widow should have received Workers Compensation Board benefits following death of husband.	Information Supplied
88-410-0002	Alleges difficulty picking up cheque from Workers Compensation Board.	Discontinued (Client)
88-410-0003	Feels Board [illegible]ng too long to make a decision re: h[illegible]im.	Assistance Rendered
88-410-0004	Complainant seeking cat scan and reconsideration of his Workers Compensation Board claim.	Information Supplied
88-410-0005	Objects to ineligibility for benefits.	Information Supplied
88-410-0006	Feels that benefits received from Board are calculated incorrectly.	Discontinued (Client)
88-410-0007	Dispute relative to settlement of an injury claim.	Not Supported
88-410-0008	Claim dispute.	Not Supported
88-410-0009	Seeking assistance re Workers Compensation Board claim.	Information Supplied
88-410-0010	Having difficulty obtaining letter from Workers Compensation Board re claim denial.	Resolved
88-410-0011	Problems re Workers Compensation Board claim.	Information Supplied
88-410-0012	Alleges unfair treatment by Board in decreasing benefits.	Resolved
88-410-0013	Alleges unfair denial of benefits.	Discontinued (Client)
88-410-0014	Denied rehabilitation benefits.	Discontinued (Ombudsman)
88-410-0015	Objects to Board's policy of decreasing students' benefits during summer months.	Discontinued (Client)
88-410-0016	Alleges Board acted unethically by referring him to a biased doctor.	Pending
88-410-0017	Unable to obtain decision re Compensation claim.	Resolved
88-410-0018	Dispute over claim.	Information Supplied
88-410-0019	Review of Board's policy re disclosure of information.	Pending
88-410-0020	Concern over the handling of claim.	Information Supplied
88-410-0021	Alleges long delay in the processing of Compensation claim.	Resolved
88-410-0022	Alleges unfair handling of Workers Compensation Board claim.	Not Supported
88-410-0023	Seeking clarification re Special Additional Compensation.	Information Supplied
88-410-0024	Feels compensation benefits should be increased.	Information Supplied

88-410-0025	Complainant alleges lack of respect for her privacy on part of medical staff of Workers Compensation Board.	Resolved
88-410-0026	Seeking clarification re status of Workers Compensation Board claim.	Resolved
88-410-0027	Disagrees with Board's decision denying claim.	Pending
88-410-0028	Feels rehabilitation benefits should not have been terminated and that Board is taking too long to hold a review of his case.	Pending
88-410-0029	Request for information re Board's policy in back injuries.	Information Supplied
88-410-0030	Alleges undue delay in paying of benefits.	Discontinued (Client)
88-410-0031	Alleges undue delay by Board in responding to his claim.	Resolved
88-410-0032	Disagrees with Board's decision to rescind acceptance of claim.	Pending
88-410-0033	Alleges unfair handling of Compensation claim.	Information Supplied
88-410-0034	Disputes decision of Workers Compensation Board to terminate benefits.	Pending
88-410-0035	Objects to denial of Compensation benefits.	Information Supplied
88-410-0036	Objects to Compensation benefits being reduced by an amount equal to her Canada Pension benefits.	Not Supported
88-410-0037	Delay in obtaining decision re coverage for physiotherapy treatments.	Information Supplied
88-410-0038	Alleges lack of response to correspondence requesting consideration of disability claim	Pending
88-410-0039	Concerned about length of time he must wait for a Board hearing.	Pending

The Ombudsman Act

CHAPTER O45

THE OMBUDSMAN ACT.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

Definitions.

1 In this Act

(a) "agency of the government" means any board, commission, association, or other body of persons, whether incorporated or unincorporated, all the members of which, or all the members of the board of management or board of directors of which,

(i) are appointed by an Act of the Legislature or by order of the Lieutenant Governor in Council, or

(ii) if not so appointed, in the discharge of their duties are public officers or servants of the Crown, or for the proper discharge of their duties are, directly or indirectly, responsible to the Crown;

(b) "department" means a department or branch of the executive government of the province;

(c) "minister" means a member of the Executive Council.

En. S.M., 1969, (2nd Sess.), c. 26, s. 1.

Appointment of Ombudsman.

2(1) The Lieutenant Governor in Council shall, on the recommendation of the Standing Committee of the Assembly on Privileges and Elections, appoint a Canadian citizen as Ombudsman for the Province of Manitoba.

Am. S.M. 1982, c. 51, s. 21.

Recommendations of committee on privileges and elections.

2(2) Where

(a) the office of Ombudsman is vacant; or

(b) the term of the Ombudsman in office will expire within 12 months; or

(c) the Ombudsman has tendered his resignation to take effect within 12 months;

the President of the Executive Council shall convene a meeting of the Standing Committee of the Assembly on privileges and elections which shall consider persons suitable and available to be appointed as Ombudsman and shall make recommendations in respect thereto to the President of the Executive Council.

En. S.M. 1980, c. 22, s. 1.

Meeting of Standing Committee.

2(3) The Standing Committee of the Assembly on Privileges and Elections may, for the purposes of performing its functions under this section, meet during session of the Legislature or during recess after prorogation.

Am. S.M. 1982, c. 51, s. 21.
En. S.M. 1969, (2nd Sess.), c. 26, s. 2.
Am. S.M. 1980, c. 22, s. 1; S.M. 1982, c. 51, s. 21.

Officer of Legislature.

3(1) The Ombudsman is an officer of the Legislature and is not eligible to be nominated for, elected as, or sit as, a member of the assembly.

Restrictions on employment.

3(2) The Ombudsman shall not hold any other public office or carry on any trade, business, or profession.

En. S.M., 1969, (2nd Sess.), c. 26, s. 3.

Term of office.

4(1) Unless he sooner resigns, dies or is removed from office, the Ombudsman shall hold office for six years from the date of his appointment, and a person may be re-appointed for a second term of six years, but not for more than two terms of six years.

Resignation.

4(2) The Ombudsman may resign his office in writing addressed to the Speaker of the assembly, or, if there is no Speaker or the Speaker is absent, to the clerk of the assembly.

Ombudsman over 65.

4(3) Where the Ombudsman reaches 65 years of age during his term of office, notwithstanding section 54 of The Civil Service Superannuation Act, he is not required to retire from the office but he shall, for the purposes of that Act, be deemed to have retired and been re-employed by the government for the balance of his unexpired term of office and may apply for and be granted a deferred allowance under section 27 of that Act.

En. S.M. 1980, c. 22, s. 2.
En. S.M. 1969, (2nd Sess.), c. 26, s. 4.
Am. S.M. 1980, c. 22, s. 2.

Removal or suspension.

5 The Lieutenant Governor in Council, on a resolution of the assembly carried by a vote of two-thirds of the members of the assembly voting thereon, may remove the Ombudsman from office or suspend him.

En. S.M., 1969, (2nd Sess.), c. 26, s. 5.

Suspension when Legislature not sitting.

6(1) At any time the Legislature is not in session, the Lieutenant Governor in Council may suspend the Ombudsman for disability, neglect of duty, misconduct or bankruptcy proved to the satisfaction of the Lieutenant Governor in Council, but the suspension shall not continue in force beyond the end of the next ensuing session of the Legislature.

Acting Ombudsman.

6(2) Where the office of the Ombudsman is vacant, or the Ombudsman is suspended under subsection (1), the Lieutenant Governor in Council shall appoint an acting Ombudsman to hold office until another Ombudsman is appointed under section 2 or the suspension has been dealt with in the assembly.

En. S.M., 1969, (2nd Sess.), c. 26, s. 6.

Salary.

7(1) The Ombudsman shall be paid a salary fixed by the Lieutenant Governor in Council, which shall be charged to and paid out of the Consolidated Fund.

Reduction of salary.

7(2) The salary of the Ombudsman shall not be reduced except on resolution of the assembly carried by a vote of two-thirds of the members of the assembly voting thereon.

En. S.M., 1969, (2nd Sess.), c. 26, s. 7.

Expenses.

8 The Ombudsman shall be paid such travelling and out of pocket expenses incurred by him in the performance of his duties as may be approved by the Provincial Auditor.

En. S.M., 1969, (2nd Sess.), c. 26, s. 8.

Application of Civil Service Superannuation Act.

9(1) The Ombudsman, and all persons employed under him, are employees within the meaning of The Civil Service Superannuation Act.

Application of Civil Service Act.

9(2) The Ombudsman is not subject to The Civil Service Act except section 44 thereof which applies to him but he is entitled to the privileges and perquisites of office, including holidays, vacations, sick leave and severance pay, of a member of the civil service who is not covered by a collective agreement.

En. S.M. 1980, c. 22, s. 3.

Employees under Ombudsman.

9(3) The Civil Service Act applies to persons employed under the Ombudsman.

En. S.M. 1969, (2nd Sess.), c. 26, s. 9.
Am. S.M. 1980, c. 22, s. 3.

Oath of office.

10 Before beginning to perform his duties, the Ombudsman shall take an oath before the Speaker of the Assembly or the Clerk of the Assembly that he will faithfully and impartially perform the duties of his office and that he will not, except as herein provided, divulge any information received by him under this Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 10.

Oath of staff.

11 Every person employed under the Ombudsman shall, before he begins to perform the duties, take an oath before the Ombudsman that he will not, except as herein provided, divulge any information received by him under this Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 11.

Secrecy.

12(1) The Ombudsman and every person employed under him shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their duties or functions under this Act.

Disclosure in reports.

12(2) Notwithstanding subsection (1) or any oath taken under this Act, the Ombudsman may disclose in a report made by him under this Act any matters which he considers necessary to disclose in order to establish grounds for his conclusions and recommendations.

En. S.M., 1969, (2nd Sess.), c. 26, s. 12.

Powers under Part V of Evidence Act.

13 The Ombudsman has the protection and powers of a commissioner appointed under Part V of The Manitoba Evidence Act; but section 87 of The Manitoba Evidence Act does not apply to the Ombudsman and no notice of appointment, of the purpose and scope of inquiries to be made by the Ombudsman, or of the time and place of the holding of any hearing or inquiry by the Ombudsman, need be published as required under section 88 of The Manitoba Evidence Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 13.

Delegation.

14(1) The Ombudsman may in writing delegate to any person any of his powers under this Act except the power of delegation under this section and the power to make a report under this Act.

Evidence of delegation.

14(2) A person purporting to exercise the power of the Ombudsman by virtue of the delegation under subsection (1) shall produce evidence of his authority to exercise that power when required to do so.

En. S.M., 1969, (2nd Sess.), c. 26, s. 14.

Investigations.

15 The Ombudsman may, on a written complaint or on his own initiative, investigate any decision or recommendation made, including any recommendation made to a minister, or any act done or omitted, relating to a matter of administration in or by any department or agency of the government, or by any officer, employee or member thereof, whereby any person is or may be aggrieved.

En. S.M., 1969, (2nd Sess.), c. 26, s. 15.

Reference by committees of assembly.

16(1) A committee of the assembly may at any time refer to the Ombudsman, for investigation and report by him, any petition or matter that is before that committee for consideration; and the Ombudsman shall

(a) subject to any special directions of the committee, investigate the petition or matter referred to him so far as it is within his jurisdiction; and
(b) make such report to the committee as he thinks fit.

Reference by Lieutenant Governor in Council.

16(2) The Lieutenant Governor in Council may at any time refer to the Ombudsman, for investigation and report by him, any matter relating to administration in or by any department or agency of the government, or by any officer, employee or member thereof; and the Ombudsman shall,

(a) subject to any special direction of the Lieutenant Governor in Council, investigate the matter referred to him so far as it is within his jurisdiction; and
(b) make such report to the Lieutenant Governor in Council as he thinks fit.

En. S.M., 1969, (2nd Sess.), c. 26, s. 16.

Exercise of powers, etc.

17 The Ombudsman may exercise and perform the powers, duties and functions conferred or imposed on him under this Act notwithstanding any provision of any other Act of the Legislature

(a) that any decision, recommendation, act or omission that he is investigating is final; or
(b) that no appeal lies in respect thereof; or
(c) that no proceeding or decision of the department, agency of the government, officer, employee, or person whose decision, recommendation, act or omission it is shall be challenged, reviewed, quashed or called in question.

En. S.M., 1969, (2nd Sess.), c. 26, s. 17.

Restriction on jurisdiction.

18 Nothing in this Act authorizes the Ombudsman to investigate

(a) any decision, recommendation, act, order or omission of the Legislature, the assembly, the Lieutenant Governor, a committee of the assembly, the Lieutenant Governor in Council, the Executive Council, or a committee of the Executive Council; or

(b) any order, decision or omission of a court, a judge of a court, a referee or master of a court, a magistrate or a justice of the peace made or given in any action or proceeding in the court, or before the judge, referee, master, magistrate or justice of the peace; or

(c) any award, decision, recommendation or omission of an arbitrator or board of arbitrators in an arbitration to which The Arbitration Act applies; or

(d) any decision, recommendation, act or omission in respect of which there is, under any Act a right of appeal or objection or a right to apply for a review on the merits of the case to any court or tribunal constituted by or under an Act of the Legislature, whether or not that right of appeal, objection or application has been exercised in the particular case and whether or not any time prescribed for the exercise of that right has expired, unless the Ombudsman is satisfied that in the particular case it would have been unreasonable to expect the complainant to resort to the tribunal or court, but in that case investigation shall not commence until after the time prescribed for the exercise of that right to appeal, object or apply, has expired.

En. S.M., 1969, (2nd Sess.), c. 26, s. 18.

Restriction on investigation by minister.

19(1) Where the Attorney-General certifies in writing to the Ombudsman that the investigation of a matter would be contrary to the public interest under the circumstances, the Ombudsman shall not investigate that matter, or, if he has commenced an investigation of that matter, he shall discontinue the investigation.

Report of certificate.

19(2) Where a certificate is given under subsection (1), the Ombudsman shall include that fact and a brief description of the circumstances of the matter in his next annual report to the assembly.

En. S.M., 1969, (2nd Sess.), c. 26, s. 19.

Questions relating to jurisdiction.

20 Where a question arises as to the jurisdiction of the Ombudsman to investigate any case or class of cases under this Act, he may apply to the Court of Queen's Bench for a declaratory order determining the question.

En. S.M., 1969, (2nd Sess.), c. 26, s. 20.

Complaints in writing.

21 Every complaint to the Ombudsman shall be made in writing.

En. S.M., 1969, (2nd Sess.), c. 26, s. 21.

Privacy of communication to Ombudsman.

22 Notwithstanding any Act, where a letter written by a person in custody on a charge or after conviction for an offence, or by an inmate in any hospital, mental hospital, home or institution operated by or under the direction of the government, or by any person in custody of another person for any other reason, is addressed to the

Ombudsman, it shall be forwarded immediately, unopened, to the Ombudsman by the person for the time being in charge of the place or institution where the writer of the letter is detained or in which he is an inmate, or by the person having custody of the writer.

En. S.M., 1969, (2nd Sess.), c. 26, s. 22.

Refusal to investigate.

23(1) The Ombudsman, in his discretion, may refuse to investigate or may cease to investigate a complaint if

(a) it relates to any decision, recommendation, act or omission of which the complainant has had knowledge for more than one year before the complaint is received by the Ombudsman; or
(b) in his opinion it is frivolous or vexatious or not made in good faith or concerns a trivial matter; or
(c) in his opinion, upon a balance between the public interest and the person aggrieved, it should not be investigated or the investigation should not be continued; or
(d) in his opinion the circumstances of the case do not require investigation.

Limitation on review of discretionary powers.

23(2) Where, in the course of or after an investigation of any decision, act or omission, done or omitted by a department or agency of the government, or any officer or employee thereof in the exercise of a discretion vested in that department, agency, officer, or employee, the Ombudsman is satisfied that the decision, act or omission is not clearly wrong or unreasonable, the Ombudsman shall make no further investigation of the matter and shall report to the complainant that he is so satisfied.

En. S.M., 1969, (2nd Sess.), c. 26, s. 23.

Report of refusal to investigate.

24 Where the Ombudsman decides not to investigate or to cease investigating a complaint he shall inform the complainant, and any other interested person, of his decision.

En. S.M., 1969, (2nd Sess.), c. 26, s. 24.

Notice of investigation.

25 Before investigating a complaint, the Ombudsman shall inform the deputy minister or the administrative head of the department or agency of the government affected of his intention to make the investigation.

En. S.M., 1969, (2nd Sess.), c. 26, s. 25.

Private investigations.

26 Every investigation by the Ombudsman under this Act shall be conducted in private.

En. S.M., 1969, (2nd Sess.), c. 26, s. 26.

Hearings.

27 The Ombudsman may hold hearings and hear or obtain information from any person and make inquiries as he thinks fit.

En. S.M., 1969, (2nd Sess.), c. 26, s. 27.

Right to be heard.

28 The Ombudsman is not required to hold a hearing and no person is entitled, as of right, to be heard by the Ombudsman; but, if at any time it appears to the Ombudsman that there is sufficient grounds for his making a report or recommendation in respect of any matter that may adversely affect any department, agency of the government, or person, he shall give to that department, agency, or person, an opportunity to make representations in respect of the matter, and the department, agency, or person may make representations in respect of the matter by counsel.

En. S.M., 1969, (2nd Sess.), c. 26, s. 28.

Consultation with minister.

29(1) The Ombudsman may, at any time during or after an investigation, consult any minister who is concerned in the matter of the investigation.

Reference to deputy minister.

29(2) Where, during or after an investigation, the Ombudsman is of the opinion that there is evidence of a breach of duty or misconduct by a department or agency of the government or any officer or employee thereof, he shall refer the matter to the deputy minister or administrative head of the department or agency of the government.

En. S.M., 1969, (2nd Sess.), c. 26, s. 29.

Evidence.

30(1) Subject to section 31, the Ombudsman may require any person who, in his opinion, is able to give any information relating to any matter being investigated by him

(a) to furnish the information to him; and
(b) to produce any document, paper or thing that in his opinion relates to the matter being investigated and that may be in the possession or under the control of that person;

whether or not that person is an officer, employee or member of the department or agency of the government and whether or not the document, paper or thing is in the custody or under the control of a department or agency of the government.

Examination on oath.

30(2) The Ombudsman may summon before him and examine on oath

(a) any person who is an officer or employee or member of any department or agency of the government and who in the opinion of the Ombudsman is able to give any information relating to any matter being investigated by him;
(b) any complainant; and
(c) any other person who in the opinion of the Ombudsman is able to give any information relating to any matter being investigated by him.

En. S.M., 1969, (2nd Sess.), c. 26, s. 30.

Restrictions on disclosures.

31 Where the Attorney-General certifies that the giving of any information or the answering of any question or the production of any document, paper or thing might involve the disclosure of

(a) the deliberations of the Lieutenant Governor in Council, the Executive Council, or any committee thereof; or
(b) proceedings of the Lieutenant Governor in Council, the Executive Council, or any committee thereof; or

(c) matters of a secret or confidential nature, or the disclosure of which would be injurious to the public interest;

the Ombudsman shall not require the information or answer to be given or the document, paper or thing to be produced, but shall report the giving of the certificate and the matter in respect of which it was given in his next annual report to the assembly.

En. S.M., 1969, (2nd Sess.), c. 26, s. 31.

Application of certain rules.

32(1) Subject to section 31, a rule of law that authorizes or requires the withholding of any document, paper or thing, or the refusal to answer any question, on the ground that the disclosure or answering would be injurious to the public interest does not apply in respect of any investigation by or proceedings before the Ombudsman.

Provisions relating to secrecy.

32(2) Subject to section 31, no provision of any Act of the Legislature requiring a person to maintain secrecy in relation to, or not to disclose information relating to, any matter shall apply in respect of an investigation by the Ombudsman; and no person required by the Ombudsman to furnish information or to produce any document, paper or thing or summoned by the Ombudsman to give evidence, shall refuse to furnish the information, produce the document, paper or thing, or to answer questions on the ground of any such provision.

Am. S.M. 1979, c. 28, s. 28.
En. S.M. 1969, (2nd Sess.), c. 26, s. 32.
Am. S.M. 1979, c. 28, s. 28.

Admissibility of evidence.

33 Except on the trial of a person for perjury, no statement made, or answer or evidence given by that or any other person in the course of an investigation by or any proceedings before the Ombudsman is admissible in evidence against any person in any court or at any inquiry or in any other proceedings, and no evidence respecting proceedings before the Ombudsman shall be given against any person.

En. S.M., 1969, (2nd Sess.), c. 26, s. 33.

Defence for certain offences.

34 No person is guilty of an offence against any other Act of the Legislature by reason of his compliance with any request or requirement of the Ombudsman to furnish information or produce any document, paper or thing, or by reason of answering any question in any investigation of the Ombudsman.

En. S.M., 1969, (2nd Sess.), c. 26, s. 34.

Right of entry.

35(1) For the purposes of this Act, the Ombudsman may at any time enter upon the premises occupied by any department or agency of the government and, subject to section 31, carry out therein any investigation within his jurisdiction.

Notice of entry.

35(2) Upon entering any premises under subsection (1), the Ombudsman shall notify the deputy minister or administrative head of the department or agency of the government that occupies the premises.

En. S.M., 1969, (2nd Sess.), c. 26, s. 35.

Report on investigation.

36(1) Where, after making an investigation under this Act, the Ombudsman is of opinion

(a) that a decision, recommendation, act or omission that is the subject matter of the investigation appears to have been
  (i) contrary to law, or
  (ii) unreasonable, or
  (iii) unjust, or
  (iv) oppressive, or
  (v) improperly discriminatory, or
  (vi) in accordance with a practice or procedure that is or may be unreasonable, unjust, oppressive, or improperly discriminatory, or
  (vii) based wholly or partly on a mistake of law or fact, or
  (viii) wrong; or
(b) that in making a decision or recommendation, or in doing or omitting an act, a power or right has been exercised
  (i) for an improper purpose, or
  (ii) on irrelevant grounds, or
  (iii) on the taking into account of irrelevant considerations; or
(c) that reasons should have been given for a decision, recommendation, act or omission that was the subject matter of the investigation;

the Ombudsman shall report his opinion and his reasons therefor to the appropriate minister and to the department or agency of the government concerned, and may make such recommendations as he thinks fit.

Nature of recommendations.

36(2) Without limiting the generality of subsection (1), in making a report under subsection (1), the Ombudsman may recommend

(a) that a matter should be referred to the appropriate authority for further consideration; or
(b) that an omission should be rectified; or
(c) that a decision should be cancelled or varied; or
(d) that any practice on which a decision, recommendation, act or omission was based should be altered or reviewed; or
(e) that any law on which a decision, recommendation, act or omission was based should be reconsidered; or
(f) that reasons should be given for any decision, recommendation, act or omission; or
(g) that any other steps should be taken.

En. S.M., 1969, (2nd Sess.), c. 26, s. 36.

Notice of proposed steps.

37(1) Where the Ombudsman makes a recommendation under section 36, he may request the department or agency of the government to notify him within a specified time of the steps that it has taken or proposes to take to give effect to his recommendations.

Further report on recommendations.

37(2) If within a reasonable time after a request respecting recommendations is made under this section, no action is taken which seems to the Ombudsman to be adequate and appropriate, the Ombudsman, in his discretion, after considering the comments, if any, made by or on behalf of the department or agency of the government affected, may report the matter, including a copy of the report containing the recommendations, to the Lieutenant Governor in Council, and may thereafter mention the report in his next annual report to the assembly.

Comments included in report.

37(3) Any report made under subsection (2) shall include any comments made by or on behalf of the department or agency of the government upon the opinion or recommendation of the Ombudsman.

En. S.M., 1969, (2nd Sess.), c. 26, s. 37.

Report to complainant.

38 Where the Ombudsman makes an investigation on the basis of a complaint received by him, he shall report to the complainant, in such manner and at such time as he thinks proper, the result of the investigation.

En. S.M., 1969, (2nd Sess.), c. 26, s. 38.

Review of Ombudsman's decision.

39 No proceeding of the Ombudsman is void for want of form and, except on the ground of lack of jurisdiction, no proceedings or decisions of the Ombudsman shall be challenged, reviewed, quashed or called in question in any court.

En. S.M., 1969, (2nd Sess.), c. 26, s. 39.

Proceedings against Ombudsman prohibited.

40 No proceedings lie against the Ombudsman or against any person employed under him for anything he may do or report or say in the course of the exercise or performance, or intended exercise or performance of his functions and duties under this Act, unless it is shown he acted in bad faith.

En. S.M., 1969, (2nd Sess.), c. 26, s. 40.

Ombudsman not to be called as witness.

41 The Ombudsman and any person employed under him shall not be called to give evidence in any court or in any proceedings of a judicial nature in respect of anything coming to his knowledge in the exercise or performance of his functions and duties under this Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 41.

Annual report to Legislature.

42 The Ombudsman shall report annually to the assembly through the Speaker on the exercise and performance of his functions and duties under this Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 42.

Publication of reports.

43 In the public interest, or in the interest of a person, department or agency of the government, the Ombudsman may publish reports relating generally to the exercise and performance of his functions and duties under this Act or to any particular case investigated by him, whether or not the matters to be dealt with in the report have been the subject of the report made to the assembly under this Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 43.

Rules.

44(1) The assembly may make general rules for the guidance of the Ombudsman in the exercise and performance of his functions and duties under this Act.

Procedure of Ombudsman.

44(2) Subject to this Act and any rules made under subsection (1), the Ombudsman may determine his procedure.

En. S.M., 1969, (2nd Sess.), c. 26, s. 44.

Offence and penalty.

45 Every person who

(a) without lawful justification or excuse wilfully obstructs, hinders, or resists the Ombudsman or any other person in the exercise or performance of his functions and duties under this Act; or

(b) without lawful justification or excuse refuses or wilfully fails to comply with any lawful requirement of the Ombudsman or any other person under this Act; or

(c) wilfully makes any false statement to or misleads or attempts to mislead the Ombudsman or any other person in the exercise or performance of his functions and duties under this Act;

is guilty of an offence and liable, on summary conviction, to a fine of not more than five hundred dollars or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

En. S.M., 1969, (2nd Sess.), c. 26, s. 45.

Additional remedies.

46 The provisions of this Act are in addition to the provisions of any other Act or rule of law under which any remedy or right of appeal or objection is provided for any person, or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act limits or affects any such remedy or right of appeal or objection or procedure.

En. S.M., 1969, (2nd Sess.), c. 26, s. 46.

Printed by R. S. EVANS, Queen's Printer for the Province of Manitoba
1970